

STATE OF ALASKA



DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES SOUTHEAST REGION



DESIGN STUDY REPORT

Gustavus Mooring Float Improvements

STATE PROJECT NO. 68343

DENALI COMMISSION PROJECT NO. DC389-08

August 30, 2010

Prepared By:

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Kirk Miller, PE
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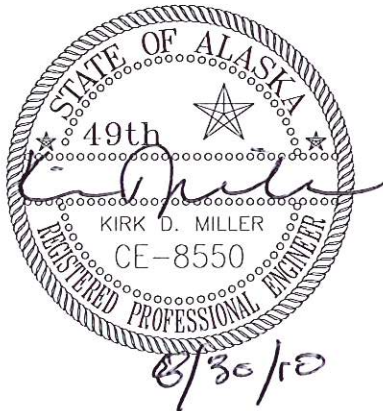
Date

Recommended for Approval:

Alan Steininger 8/30/10

Alan Steininger, P.E.
Design Group Chief

Date



Approved By:

Vic Winters 8/30/10

Vic Winters, P.E.
Preconstruction Engineer

Date

NOTICE TO USERS

The purpose of this report is to document the Alaska Department of Transportation and Public Facilities (ADOT&PF) planning, preliminary design, and development of this project.

This report reflects design decisions as of the date of this document. Changes frequently occur during the design process and those who may rely on the information contained in this document should check with the ADOT&PF for the most current design. Please contact the Engineering Manager at (907) 465 – 1215 for this information.

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1. DESCRIPTION OF THE PROJECT

1.1 Location of the Project

This Design Study Report (DSR) presents proposed improvements to the Gustavus Harbor mooring float system. These improvements would facilitate improved vessel mooring capacity, pedestrian access and will provide enhanced wave protection.

Figure 1.1 illustrates the project's geographical location relative to the State and Southeast Alaska.

Figure 1.2 shows the project's location relative to the city of Gustavus, Alaska.

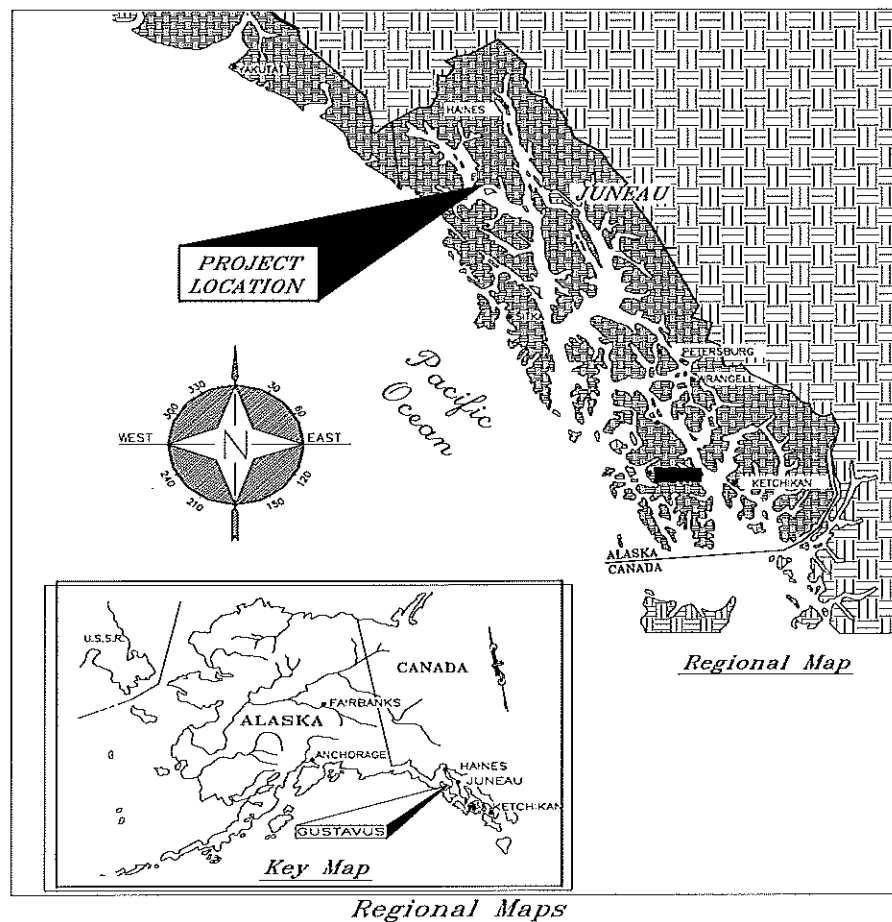


Figure 1.1 - Regional Map

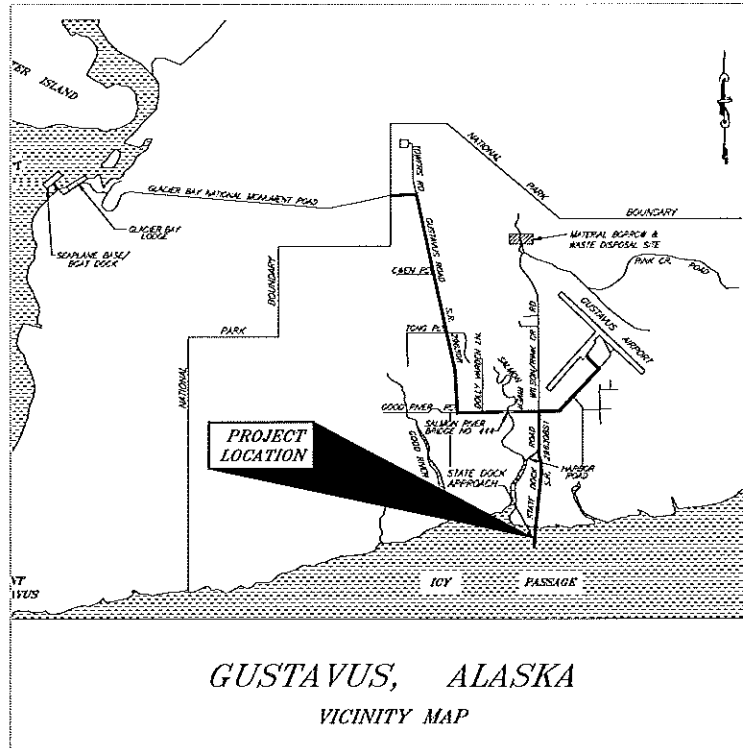


Figure 1.2 - Vicinity Map

1.2 Project History and Introduction

The existing Gustavus Harbor is sited at the end of a pile supported trestle structure that extends offshore on shallow tidal flats, near the mouth of the Salmon River. The existing State owned harbor facilities date to the 1970's and have been upgraded and replaced several times over the years due to deterioration from exposure to high wind and waves. The harbor location is exposed and unprotected from severe weather conditions that originate from Icy Straights.

The existing timber trestle is being replaced with a new, steel pile supported dock structure and offshore fill island as part of another project (Gustavus Causeway, Project No. 67599). The causeway project construction is expected to be completed by fall of 2010. As part of this project, the existing mooring floats will be relocated to accommodate the new trestle structure. The new trestle structure incorporates a sheet pile wave barrier and other amenities to allow pedestrian access to the relocated mooring floats.

The existing harbor mooring floats consist of a 12'x50' timber float, a 9'x100' timber sectional float, and a deteriorated 15'x50' timber float. This arrangement allows for approximately 250 lf of mooring space. These floats are restrained using steel pipe piles. The existing float arrangement provides a limited capacity for vessel moorage. The harbor is exposed to westerly and southerly waves and cannot be safely utilized during periods of stormy weather. Vessels currently only use the mooring floats to temporarily load and unload passengers and other goods. Most vessels leave the floats and moor overnight at numerous anchor buoys that have been placed offshore.

This project will provide for the construction of a new, heavy duty steel mooring float that will also provide some capacity as a floating breakwater, placement of new timber ramped skiff floats and replacement of the deteriorated outer timber float system.

The new float improvements consists of removing the existing deteriorated 15'x50' timber float and installing a new 18'x200' steel mooring float, a 10'x28' timber access float, a 12'x100' timber mooring float and a 20'x100' skiff float system. This arrangement allows for approximately 680 lf of mooring space. The steel mooring float is also designed to provide floating breakwater capability and is intended to reduce wave activity within the harbor facility. All floats will be restrained using driven steel pipe piles. Access to the float system remains the same as existing – via a connection from the existing steel float system to the existing timber floats.

Project funding is provided by two Federal sources and associated State match. The Denali Commission has provided the funding for design and \$1.0 million for construction. A congressional earmark (FHWA/Ferry Boat Discretionary Funds) in the amount of \$1.0 million is also provided as part of the Omnibus Bill dated February 23, 2009. The Phase 4 or construction budget for this project is therefore \$2.0 million.

1.3 Purpose and Need for the Project

The purpose of this project is to provide increased wave protection for the mooring floats and to increase the commercial and recreational vessel mooring capacity of the harbor. Currently, the existing timber mooring floats are removed each fall and stored at an uplands location up the Salmon River because adverse winter weather will not allow safe year-round moorage and damage to the vessels and the float system would result. The existing floats have been heavily damaged by waves and have been repaired and replaced on numerous occasions. This project will provide enhanced wave protection from the new steel float which will serve as a floating breakwater. The steel mooring float would supplement the existing causeway wave barrier and reduce the incident wave height at this site to provide relatively well-protected moorage for both commercial and recreational vessel activities.

This facility is heavily used by commercial charter fishing vessels and local residents. The commercial charter season is generally from May through September but local residents would use the harbor year-round if safe mooring conditions are provided. The additional moorage space will also increase the safety and access to and from these vessels during the charter fishing season by reducing rafting and other undesirably mooring arrangements.

The addition of the ramped skiff floats will provide local residents with a means to moor smaller skiffs and boats in the 14-20 foot range. There are currently no safe places to moor skiffs for either short or long term periods. Local residents must store their skiffs in the Salmon River estuary which is only accessible for about three hours around the time of high tide.

2. DESIGN STANDARDS

There are various guides used in the design of floating structures, but there are no definitive codes or other legal requirements that govern the design of mooring floats. The most prevalent design aids for this project are the following structural design standards:

- AISC Manual of Steel Construction, 13th Edition, LRFD, 2005
- NDS ASD/LRFD 2005 Edition
- US Army Corps of Engineers, Shore Condition Manual

3. DESIGN ALTERNATIVES

Several design alternatives were developed and discussed with the community of Gustavus as part of the scoping process for this project. A public meeting was held on October 16, 2008 in Gustavus with the City of Gustavus, Marine Facilities Committee. The various design parameters and needs for this project were discussed. The primary objectives voiced by the public members were to provide increased wave protection, additional moorage space for larger boats and safe moorage for local skiffs. Figure 3.1 represents the preferred alternative as a result of the preliminary scoping and public meeting process. The City of Gustavus provided written concurrence on November 14, 2008 with respect to the plan shown on Figure 3.1. A US Army Corps of Engineers (USACE) permit was obtained based on the layout shown on Figure 3.1. This permit was issued by the USACE on June 12, 2009.

Subsequent to the original scoping effort, the project experienced a period of design inactivity because the project is not desired to be advertised for construction until such time that the new trestle structure was nearing completion. The project layout that was developed in 2009 was thus re-discussed with the Marine Facilities Committee during the summer of 2010 to insure local concurrence of the proposed alternative. As a result of this additional local review, several changes were made to the original layout. These changes are depicted on Figure 3.2 and will be represented on the final project plans.

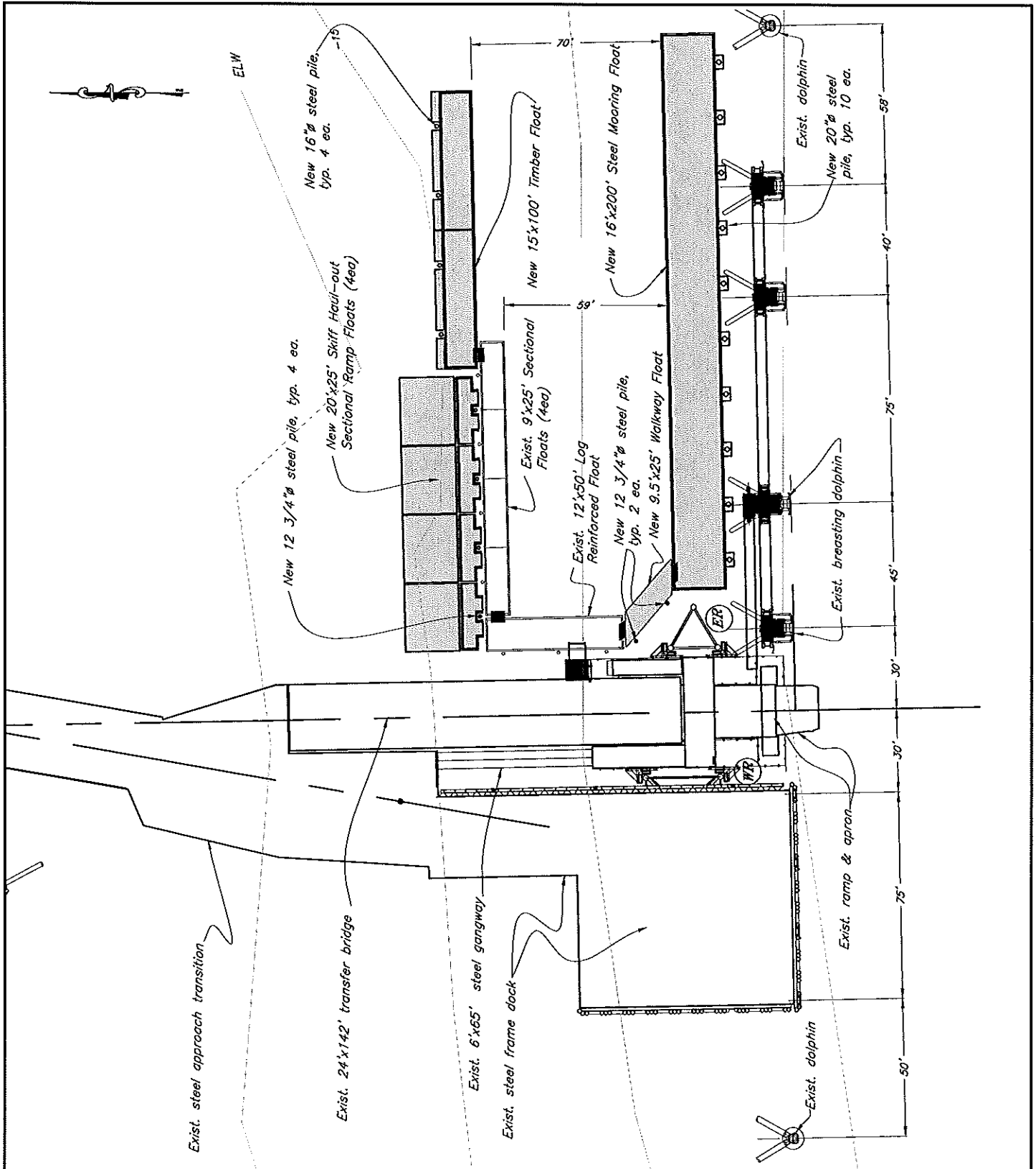
The Marine Facilities Committee identified the need to increase the navigation ability for vessels between the outer and inner float systems. The inner timber mooring float system is therefore rotated shoreward to increase spacing between the inner and outer float systems.

Additional minor changes were also made to the float design as a result of additional engineering performed by the Department since the time of the original scoping effort. These revisions included:

- Elimination of a new access float spacer and four steel piles that was originally shown to be fitted between the new skiff floats and the existing 9' wide sectional float.
- The width of the outer steel mooring float by two feet (total of 18' wide) and another pipe pontoon was added to improve wave attenuation characteristics and structural strength of the float.
- The restraint piles for the steel mooring float were increased from 20 to 30 inches in diameter due to structural capacity requirements not anticipated during earlier design efforts.
- The width of the new inner timber floats was reduced from 15' to 12' because the 12' wide design is sufficient and will result in decreased construction costs.

The above listed changes do not alter the original capacity or purpose and need of the project but are considered value engineering changes made as a result of additional information gathered during the period of time since the initial project scoping effort. A teleconference was held on July 23, 2010 with the Marine Facilities Committee in order to discuss and finalize the above described modifications. The final layout plan was approved in writing by the City of Gustavus on August 9, 2010. Documentation of local concurrence from the City of Gustavus pertaining to the initial and final scoping efforts is contained in Appendix C.

Additional drawings and details can be found in the USACE permit information contained in Appendix B of this report.



Float Layout

Gustavus Mooring Float Improvements

Figure 3.1

DATE: NOVEMBER 2008

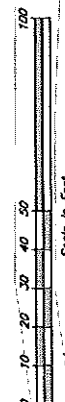


Figure 3.2

DATE: July 2010

3.1 No Build Alternative

The no-build alternative would require no construction. Under this alternative, no improvements would be made to the existing moorings floats. Wave protection would not be enhanced and the capacity of the harbor for commercial and recreational vessel activities would not be increased.

This alternative was dropped from further consideration because it would not satisfy the Purpose and Need for the project.

Cost Estimate: \$0

3.2 Construction of Mooring Float Improvements – Preferred Alternative

The proposed action is to construct the mooring float improvements as generally depicted on Figure 3.2. The improvements would include a new 18'x200' steel mooring float with (10) 30" diameter steel pipe pile restraints, 10'x28' timber access float with (2) 12 ¾" diameter steel pipe pile restraints, 12'x100' timber mooring float with (4) 16" diameter steel pipe pile restraints, and a 20'x100' skiff float system. The improvement would also include (4) aluminum transition plates to provide access between adjacent floats.

Project Cost Estimate: \$2,137,490

The available project funding for construction is on the order of \$2.0 million. The project is anticipated to be advertised with additive alternates since the Engineers Estimate is slightly higher than budgeted. The order of award is anticipated to be as follows subject to available funding:

1. Base Bid: 18'x200' Steel Mooring Float and 10x28 Timber Access Float
2. Additive Alternate A: 12'x100' Timber Mooring Float
3. Additive Alternate B: 20'x100' Timber Skiff Haulout Floats

4. RECOMMENDED ALTERNATIVE

The recommended alternative is the construction of mooring float improvements as generally depicted on Figure 3.2 and as further outlined on the revised permit level drawings contained in Appendix B.

5. TYPICAL DETAILS FOR THE RECOMMENDED ALTERNATIVE

Refer to the permit level drawings in Appendix B for typical details of the recommended alternative.

6. EROSION AND SEDIMENT CONTROL

Erosion and sediment control is not a consideration on this project. This project will consist of off-site fabrication of steel and timber float elements and then placement at the project site which will involve overwater structural assembly of float components and the driving of steel pipe piles in the water. These activities will not cause adverse sedimentation or erosion.

7. GEOTECHNICAL INFORMATION

Geotechnical information from Project No. 67599, Gustavus Causeway Replacement and previous pile driving activities for the existing floats in the region was used in the design of this project.

8. SAFETY IMPROVEMENTS

The purpose of this project is to increase moorage opportunities and enhance the safety, convenience and efficiency for use of the Gustavus Harbor. Safety improvements will consist of the placement of the steel mooring float which will attenuate wave activity and allow safer access and moorage of vessels into the inner float areas. The placement of additional mooring floats will also increase available moorage space for the various harbor users which will result in less crowding, reductions in boating conflicts within the harbor and increased safety for public access to and from the vessels.

9. RIGHT OF WAY

ADOT&PF retains tidelands property which encompasses the Gustavus mooring float project site. The recommended improvements will continue to be within this boundary. However, upon completion of the project, the ownership of the all the mooring floats will become the property of the City of Gustavus. A memorandum of agreement has been developed and signed by all parties to this effect. A copy of this agreement is contained in Appendix D.

10. COST ESTIMATE

The cost estimate for the preferred alternative is summarized below:

<i>Project Items</i>	<i>Cost</i>
Base Bid	\$1,797,247.00
Additive Alternate A	\$150,640.00
Additive Alternate B	\$150,000.00
8 % C.E.	\$151,095.00
4.79% ICAP	\$97,705.00
Total	\$2,137,490

Table 10.1 - Total Project Costs

11. ENVIRONMENTAL

11.1 General

This work under this project is covered under the Environmental Analysis (EA) that was conducted for the Gustavus Causeway Project dated May, 2008. This environmental document is not included as part of this report but is on file.

The USACE permits (original permit dated June 12, 2009 and subsequent proposed modifications dated July, 2010) are contained in Appendix B. The USACE authorizations for this project are subject to the same general and special conditions issued for the Gustavus Causeway Project dated September 12, 2008.

11.2 Erosion and Pollution Control Measures

Refer to Environmental Commitments, Project Specifications and the USACE Permits contained in Appendix B.

11.3 Fish, Wildlife and Wetlands Impacts

Refer to Environmental Commitments, Project Specifications and the USACE Permits contained in Appendix B.

11.4 Required Permits

USACE Permits. Reference Appendix B.

11.5 Environmental Commitments

Reference Appendix B.

12. MAINTENANCE CONSIDERATIONS

The new steel float system will be coated with the appropriate galvanizing and barrier paint over-coats and will be equipped with submerged anodes to minimize long-term corrosion. The new timber float systems will be constructed using pressure treated timber materials which are resistant to decay and rot. Driven steel pipe piles will be equipped with galvanized coatings and anodes to prevent corrosion for the life of the project. Maintenance required as a result of this project will include only that standard to similar existing harbor facilities. This includes replacement of the cathodic-protection anodes on the steel float system every five to ten years, and other miscellaneous repairs as required to maintain safety and operational needs. The timber float systems should only require repair or localized replacement of various members or other components if damaged due to errant vessel impact or due to adverse weather.

13. PROJECT SCHEDULE

The anticipated project schedule for this project is outlined below. These dates are subject to change depending on various issues.

PIH Review	September, 2010
PS&E Review	October, 2010
Final PS&E and ATA/Advertise	January, 2010
Bid Award	March, 2010
Construction	July - September, 2011

Appendix A

Engineers Estimate

State of Alaska Department of Transportation & Public Facilities Southeast Region	Engineer's Estimate Gustavus Mooring Float Improvements PIH Estimate	AKSAS No.: 68343 Federal No.: Version ID: 29954 Printed: 8/30/2010 2:02:04 PM
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Basic Bid

Item Number	Description	Quantity	Unit	Unit Price	Amount
504 (1)	18'x200' Steel Mooring Float	All required	Lump Sum	950,000.00	950,000.00
504(2)	Aluminum Transition Plates	3	Each	3,000.00	9,000.00
505 (1)	12 3/4"x1/2" Galv. Steel Piles, Furnished	148	Linear Foot	75.00	11,100.00
505(2)	12 3/4"x1/2" Galv. Steel Piles, Driven	2	Each	5,000.00	10,000.00
505(5)	30"x1/2" Galv. Steel Piles, Furnished	1,010	Linear Foot	175.00	176,750.00
505(6)	30"x1/2" Galv. Steel Piles, Driven	10	Each	10,000.00	100,000.00
505(8)	100 lb. Pile Anode	12	Each	1,000.00	12,000.00
506 (1)	10'x28' Timber Access Float	All required	Lump Sum	21,000.00	21,000.00
506 (4)	Leveling Flotation Billet, Furnished	8	Each	150.00	1,200.00
506(5)	Leveling Flotation Billet, Installed	8	Each	250.00	2,000.00
640 (1)	Mobilization & Demobilization	All required	Lump Sum	250,000.00	250,000.00
640 (4)	Worker Meals & Lodging, or Per Diem	All required	Lump Sum	10,000.00	10,000.00
641 (1)	Erosion & Pollution Control Administration	All required	Lump Sum	10,000.00	10,000.00
641 (2)	Temporary Erosion & Pollution Control	All required	Contingent Sum	10,000.00	10,000.00
642 (1)	Construction Surveying	All required	Lump Sum	5,000.00	5,000.00
644 (1)	Field Office	All required	Lump Sum	5,000.00	5,000.00
644(8)	Vehicles & Skiff	All required	Lump Sum	5,000.00	5,000.00
Basic Bid Summary	Pay Items:	17 Items		Subtotal:	1,588,050.00
	Construction Engineering (Percentage)	8%		CENG Subtotal	127,044.00
	Indirect Cost Allocation Plan (ICAP)	4.79%			82,153.00
	TOTAL PARTICIPATING				1,797,247.00
	ADDED COSTS (Not part of the Contract)				
	BASIC BID TOTAL				1,797,247.00

State of Alaska Department of Transportation & Public Facilities Southeast Region	Engineer's Estimate Gustavus Mooring Float Improvements PIH Estimate	AKSAS No.: 68343 Federal No.: Version ID: 29954 Printed: 8/30/2010 2:02:04 PM
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Additive Alternate A

Item Number	Description	Quantity	Unit	Unit Price	Amount
202 (1A)	Removal & Salvage of Existing Float	All required	Lump Sum	10,000.00	10,000.00
504 (2A)	Aluminum Transition Plates	1	Each	3,000.00	3,000.00
505 (3A)	16"x1/2" Galv. Steel Piles, Furnished	124	Linear Foot	110.00	13,640.00
505(4A)	16"x1/2" Galv. Steel Piles, Driven	2	Each	5,000.00	10,000.00
505 (7A)	Remove & Redrive Existing 16" Steel Pile @ 12' wide Timber Mooring Float	2	Each	10,000.00	20,000.00
505(8A)	100 lb. Pile Anode	4	Each	1,000.00	4,000.00
506 (2A)	12'x100' Timber Mooring Float	All required	Lump Sum	90,000.00	90,000.00
Additive Alternate A Summary	Pay Items:	7 Items		Subtotal:	150,640.00
	Construction Engineering (Percentage)	8%		CENG Subtotal	12,051.20 162,691.20
	Indirect Cost Allocation Plan (ICAP)	4.79%			7,792.91
	TOTAL PARTICIPATING				170,484.11
	ADDED COSTS (Not part of the Contract)				
	ADDITIVE ALTERNATE A TOTAL				170,484.11

Additive Alternate B

Item Number	Description	Quantity	Unit	Unit Price	Amount
506 (3B)	20'x100' Skiff Float	All required	Lump Sum	150,000.00	150,000.00
Additive Alternate B Summary	Pay Items:	1 Items		Subtotal:	150,000.00
	Construction Engineering (Percentage)	8%		CENG Subtotal	12,000.00 162,000.00
	Indirect Cost Allocation Plan (ICAP)	4.79%			7,759.80
	TOTAL PARTICIPATING				169,759.80
	ADDED COSTS (Not part of the Contract)				
	ADDITIVE ALTERNATE B TOTAL				169,759.80

PROJECT Summary	Pay Items:	25 Items		Subtotal:	1,888,690.00
	Construction Engineering (Fixed Amount)			CENG Subtotal+CENG	151,095.20 2,039,785.20
	Indirect Cost Allocation Plan (ICAP)				97,705.71
	TOTAL PARTICIPATING				2,137,490.91
	ADDED COSTS (Not part of the Contract)				
	PROJECT TOTAL				2,137,490.91

Appendix B

Environmental Commitments & USACE Permits

MODIFIED PERMIT DRAWINGS

JULY, 2010

SUMMARY OF 68433 GUSTAVUS FLOATS ENVIRONMENTAL PERMIT CHANGES
New Drawings Submitted to Environmental Section on August 2, 2010

The changes from the original drawings and approved COE permit dated June 9, 2009 are as follows:

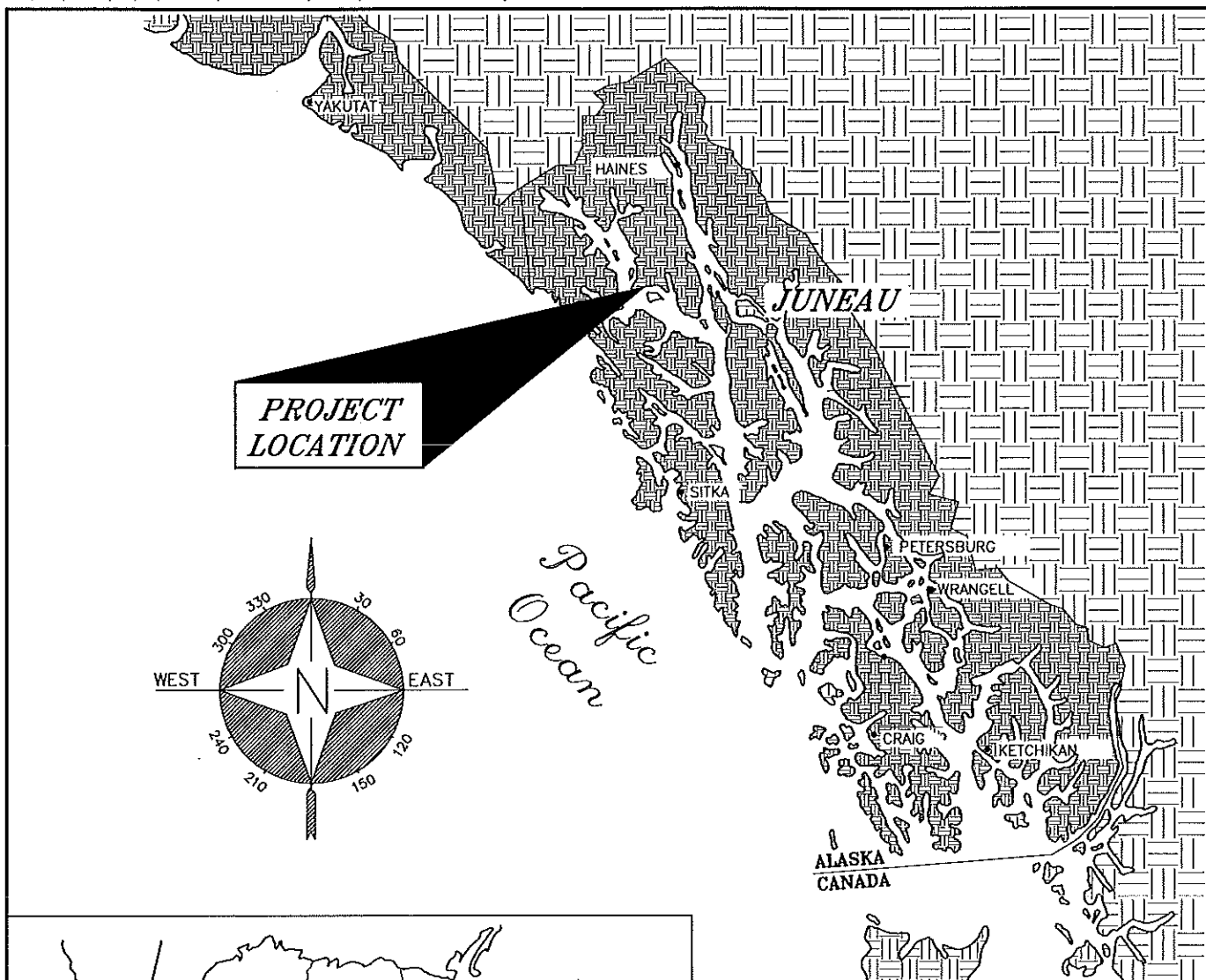
1. Outer two timber float modules rotated shoreward slightly to allow increased width btwn the two float systems for better boat access. Width of new timber mooring floats also reduced from 16' to 12'. Reference Sheets 3 & 4 of the new drawings.
2. Steel breakwater float widened from 16' to 18'. Piles on the steel breakwater float increased from 20" to 30" in diameter (same number). Another pipe pontoon was also added to the breakwater float (three 48" diam pipe pontoons versus two). Reference Sheet 5 of the new drawings.
3. Four new 12.75" diameter steel restraint piles previously associated with the four skiff floats in the original permit drawings were eliminated, i.e. these piles are no longer required since the skiff floats will now be hinged to the existing 9' wide sectional floats.
4. The new 8' wide by 100' long skiff walkway float has been eliminated. The four new skiff floats will be attached to the existing float system as depicted on the new drawings and this float will no longer be needed (ref new Sheet 8). As such, the previous Sheet 8 of the original permit drawings has been deleted.

The net result of all changes are:

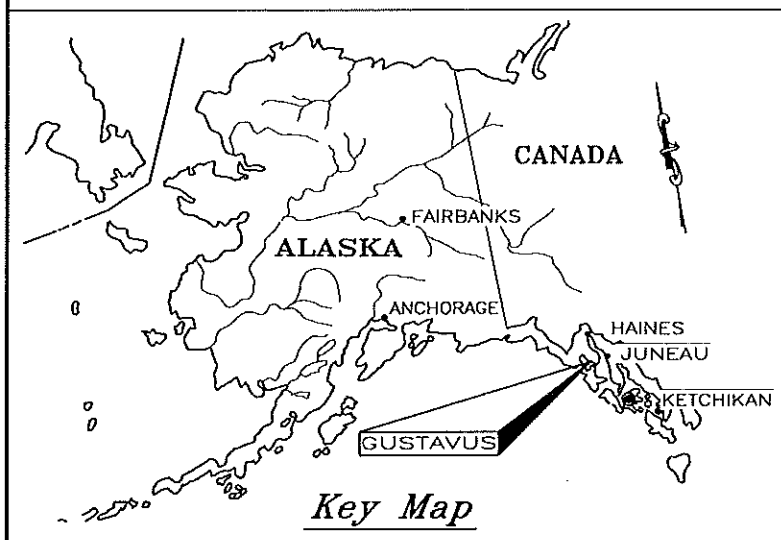
1. Overall float area (footprint) of the proposed new floats has been reduced by 600 square feet.
2. Four, 12.75" diameter steel piles have been eliminated.
3. The 10 piles associated with the steel breakwater float have been changed from 20" diameter to 30" diameter.
4. A total number of 16 new piles will be installed on this project consisting of: 10 each, 30" diameter and 6 each, 12.75" diameter.

Also:

The bulleted item 5 of the letter of permission from the COE dated June 12, 2009 incorrectly states that we will be installing "Twenty 12 3/4 foot steel piles". This statement is not only worded incorrectly, but it did not accurately reflect the original drawings which clearly showed 10 each, 20" diameter piles and 10 each, 12.75" diameter piles.



Regional Map



Key Map

Tidal Data	
HTL	+20.0'
MHW	+13.7'
MLLW	0.0'
ELW	-5.0'

PROJECT PURPOSE:
CONSTRUCT BOAT HARBOR MOORING FLOATS

APPLICANT:
STATE OF ALASKA

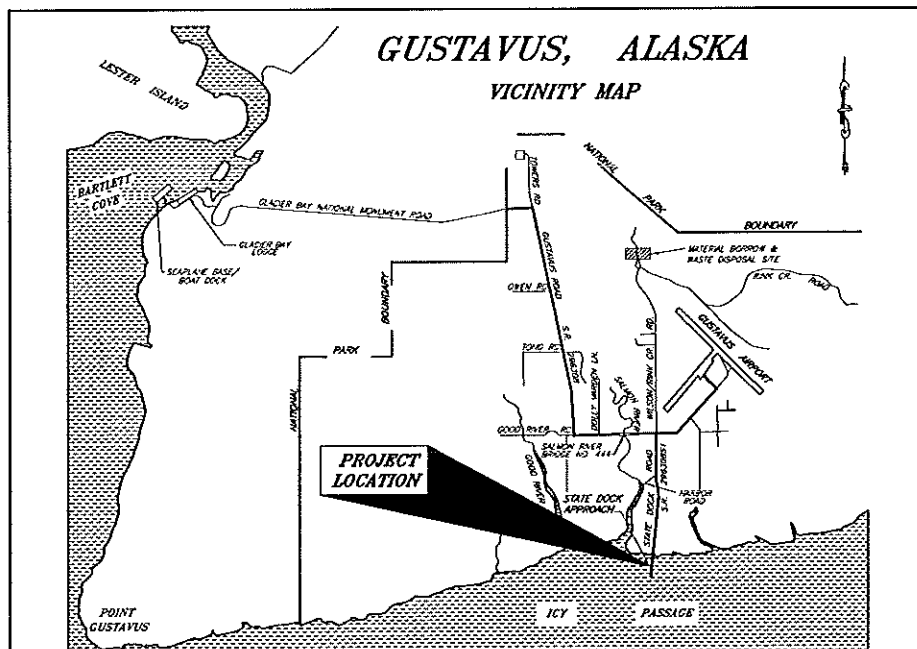
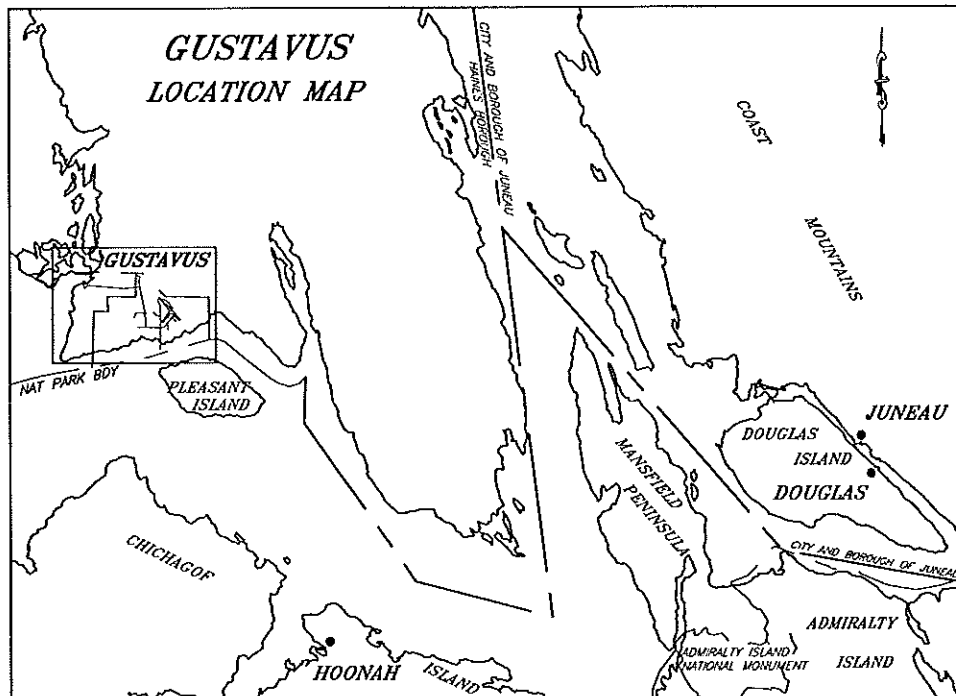
ADJACENT PROPERTY OWNERS:
STATE OF ALASKA

Regional Maps

State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

Gustavus Mooring Floats

AT: Gustavus, Alaska
LOCATED IN: Township 40 South
Range 58 East
Section 18
CRM USGS Quad Juneau B-6
DATE: July 2010 SHEET 1 OF 8



PROJECT PURPOSE:
CONSTRUCT BOAT HARBOR MOORING FLOATS

APPLICANT:
STATE OF ALASKA

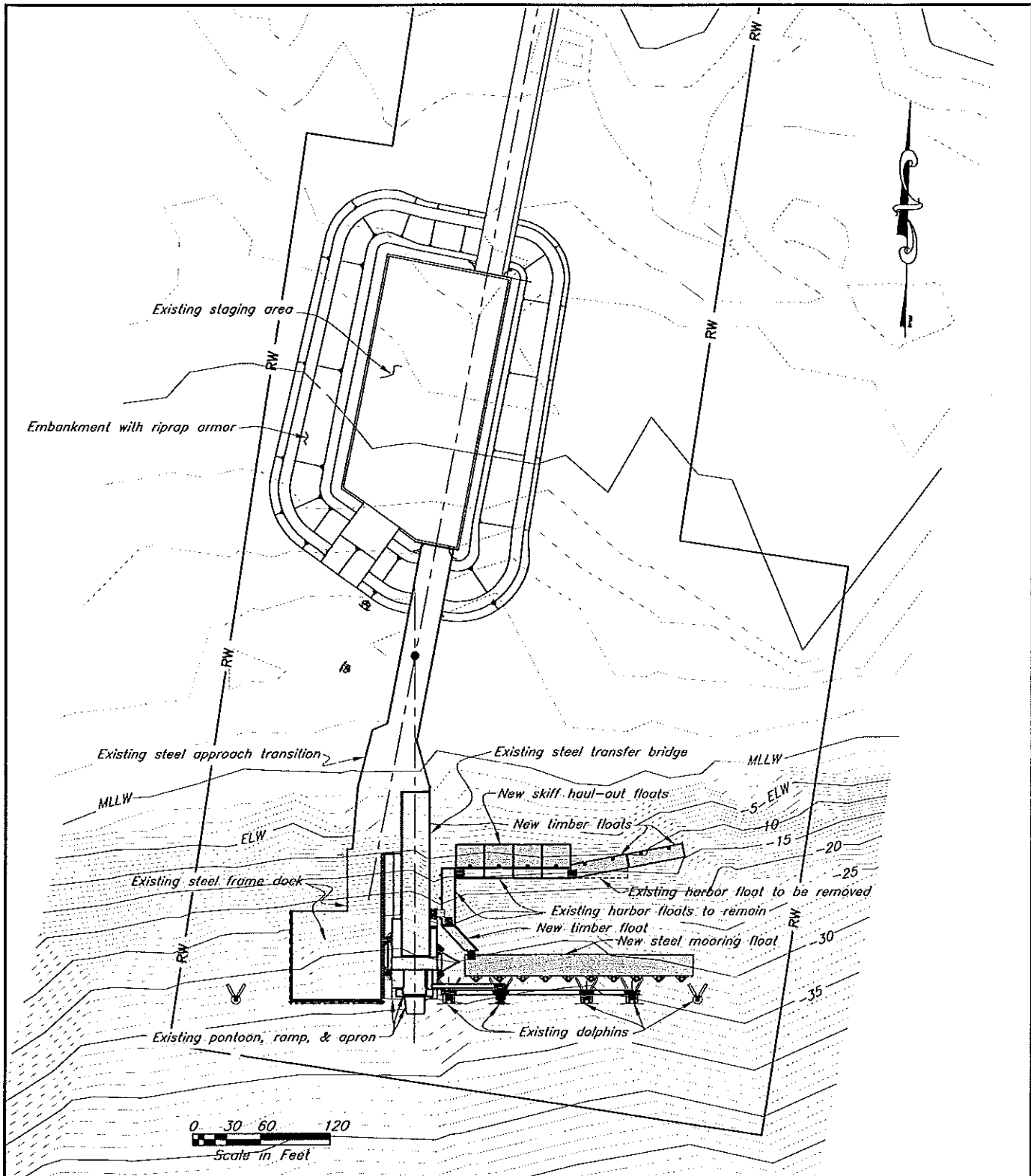
ADJACENT PROPERTY OWNERS:
STATE OF ALASKA

Vicinity Maps

State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

Gustavus Mooring Floats

AT: Gustavus, Alaska
LOCATED IN: Township 40 South
Range 58 East
Section 18
CRM USGS Quad Juneau B-6
DATE: July 2010 SHEET 2 OF 8



PROJECT PURPOSE:
CONSTRUCT BOAT HARBOR MOORING FLOATS

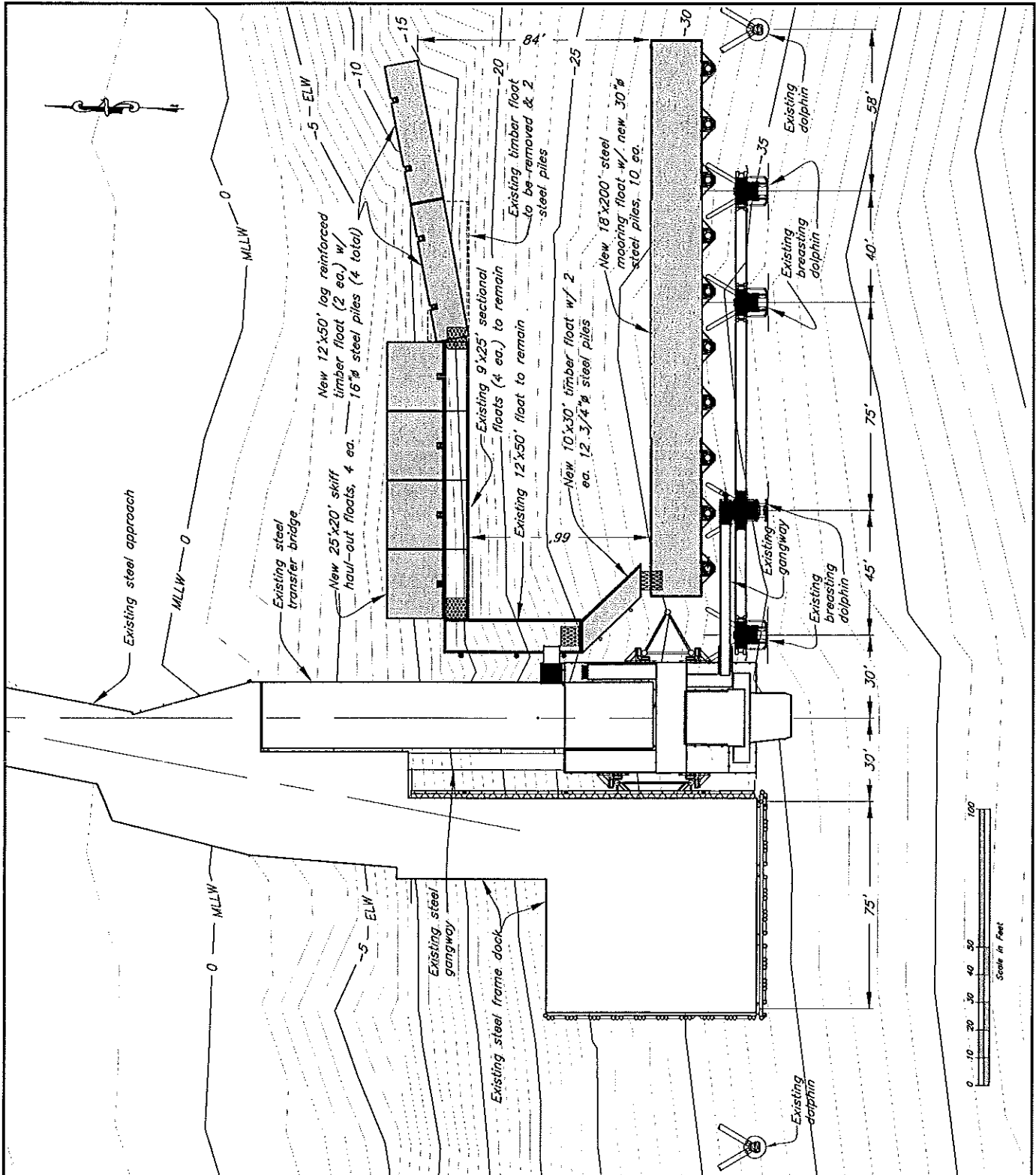
APPLICANT:
STATE OF ALASKA
ADJACENT PROPERTY OWNERS:
STATE OF ALASKA

Site Plan

State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

Gustavus Mooring Floats

AT: Gustavus, Alaska
LOCATED IN: Township 40 South
Range 58 East
Section 18
CRM USGS Quad Juneau B-6
DATE: July 2010 SHEET 3 OF 8



PROJECT PURPOSE:
CONSTRUCT BOAT HARBOR MOORING FLOATS

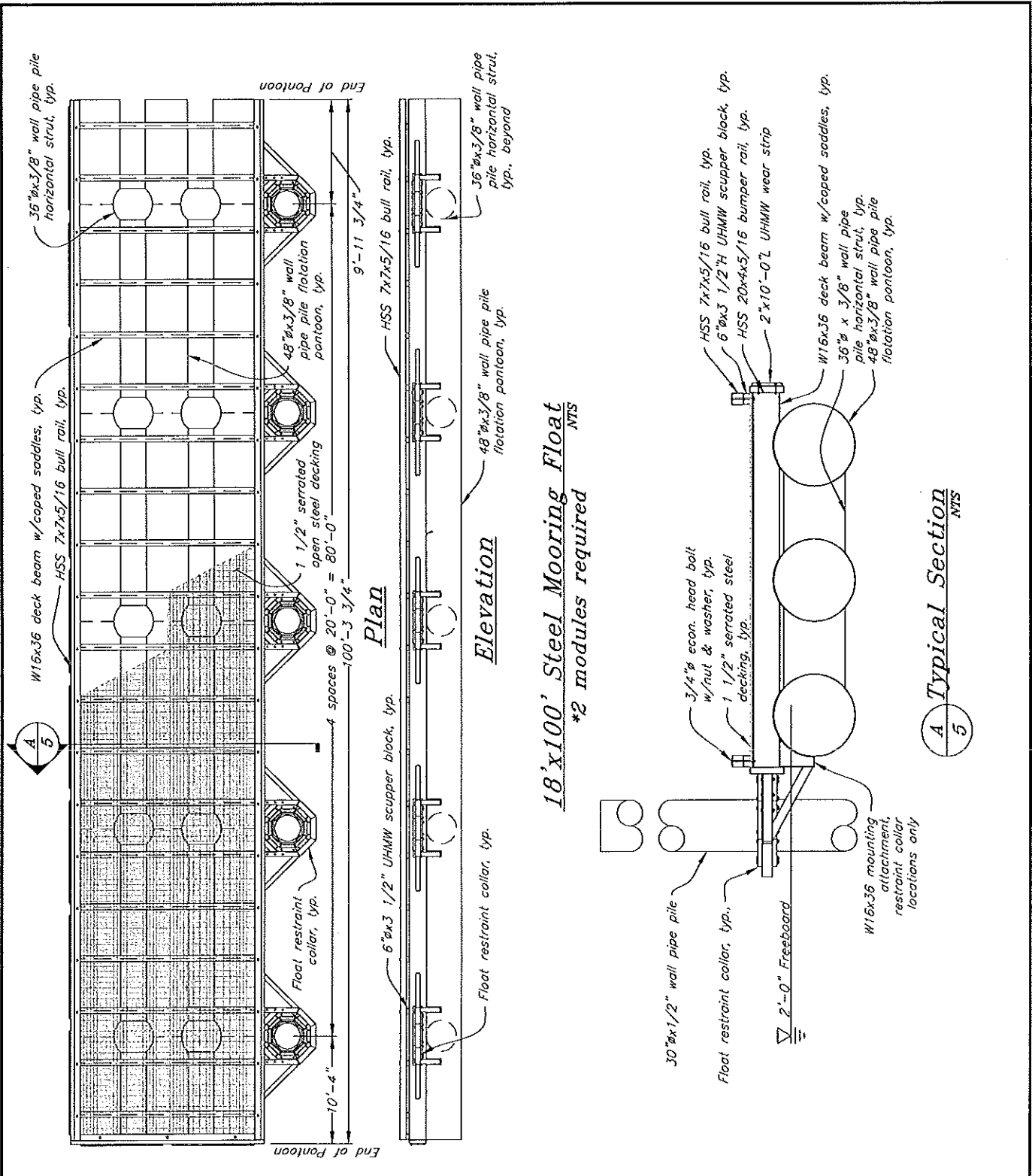
APPLICANT:
STATE OF ALASKA
ADJACENT PROPERTY OWNERS:
STATE OF ALASKA

Float Layout

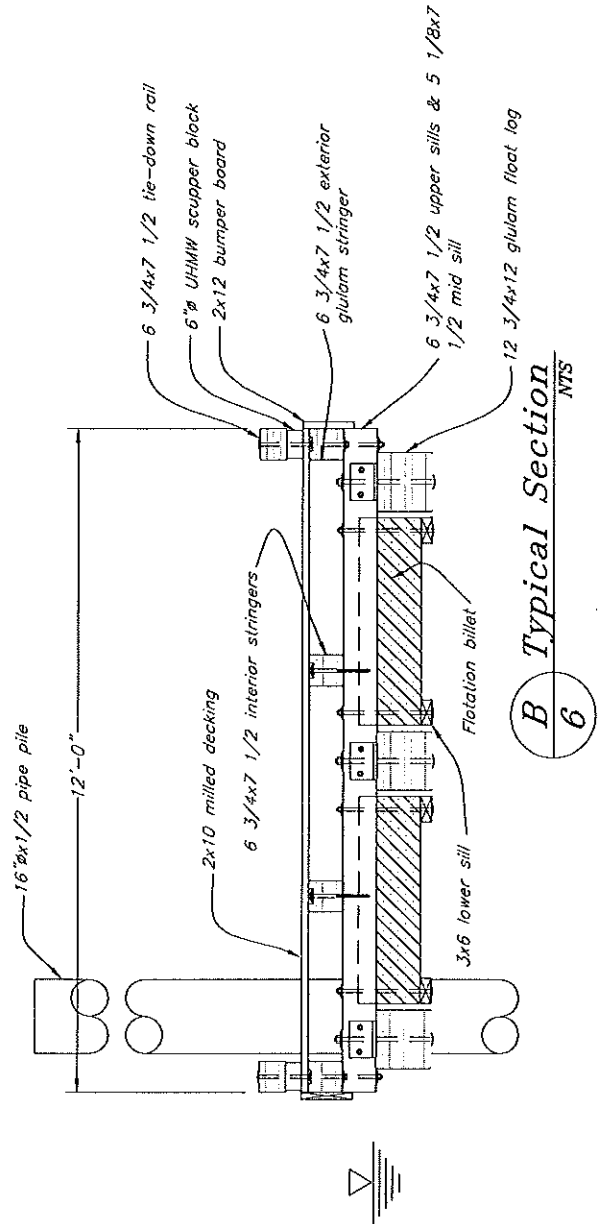
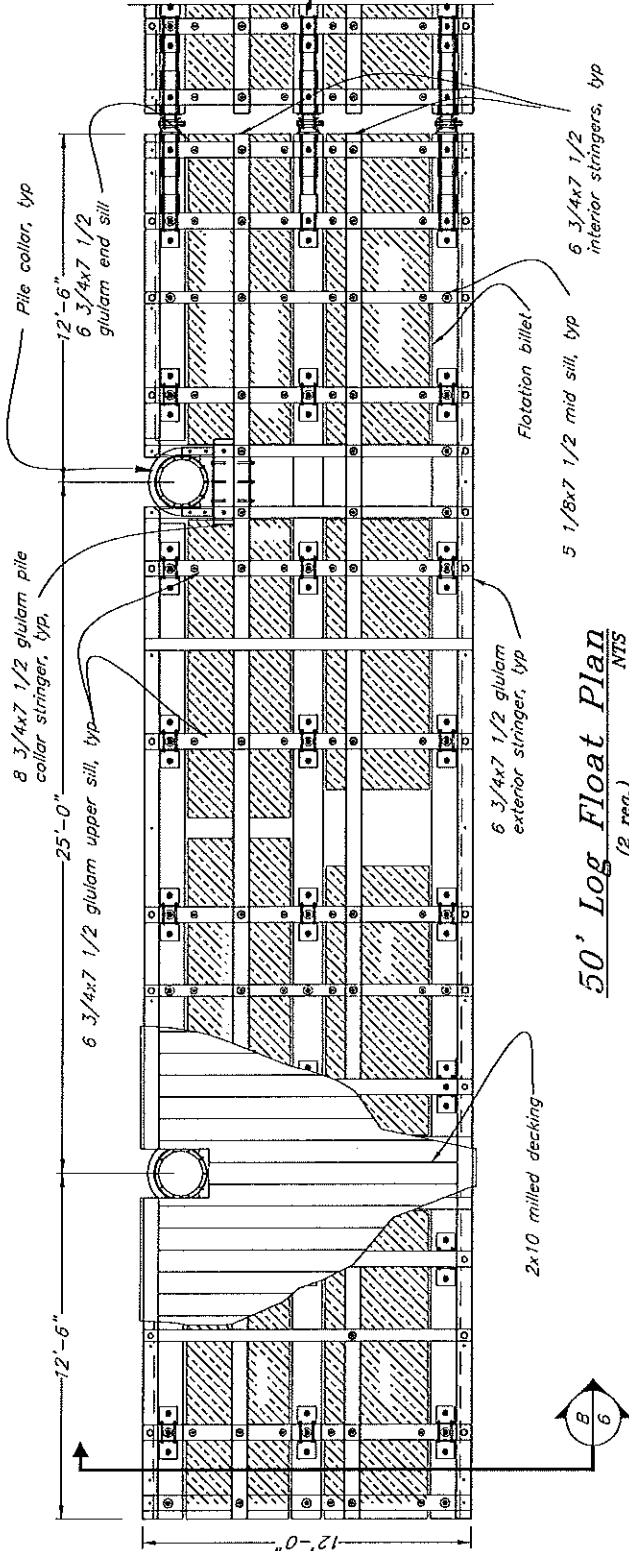
State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

Gustavus Mooring Floats

AT: Gustavus, Alaska
LOCATED IN: Township 40 South
Range 58 East
Section 18
CRM USGS Quad Juneau 8-6
DATE: July 2010 SHEET 4 OF 8



<p>PROJECT PURPOSE: CONSTRUCT BOAT HARBOR MOORING FLOATS</p> <p>APPLICANT: STATE OF ALASKA</p> <p>ADJACENT PROPERTY OWNERS: STATE OF ALASKA</p>	<p>18'x100' Mooring Float</p> <p>State of Alaska Department of Transportation and Public Facilities Southeast Region</p>	<p>Gustavus Mooring Floats</p> <p>AT: Gustavus, Alaska LOCATED IN: Township 40 South Range 58 East Section 18 CRM USGS Quad Juneau B-6</p> <p>DATE: July 2010 SHEET 5 OF 8</p>
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PROJECT PURPOSE:
CONSTRUCT BOAT HARBOR MOORING FLOATS

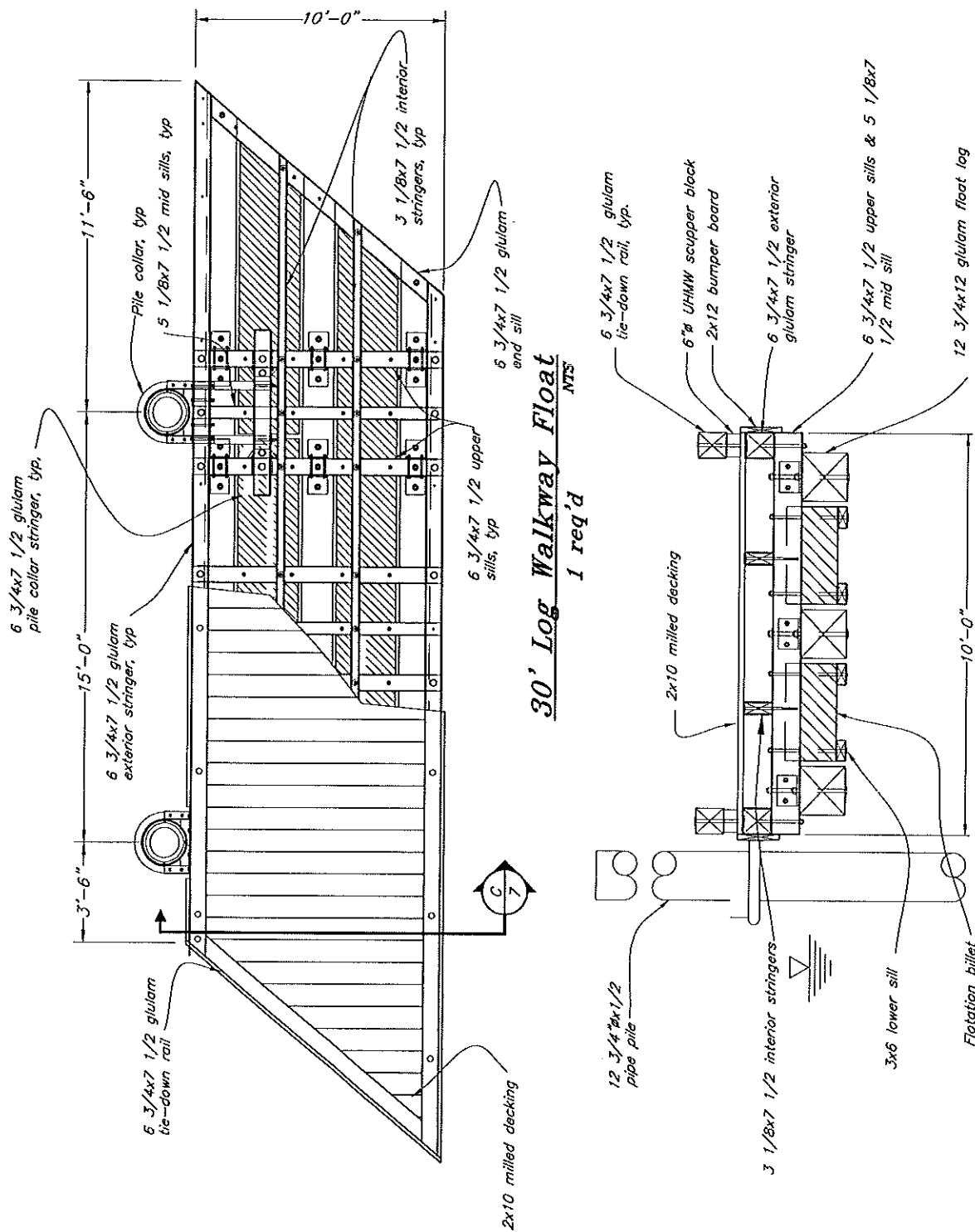
APPLICANT:
STATE OF ALASKA
ADJACENT PROPERTY OWNERS:
STATE OF ALASKA

50' Log Float

State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

Gustavus Mooring Floats

AT: Gustavus, Alaska
LOCATED IN: Township 40 South
Range 58 East
Section 18
CRM USGS Quad Juneau B-6
DATE: July 2010 SHEET 6 OF 8



C Typical Section
NTS

PROJECT PURPOSE:
CONSTRUCT BOAT HARBOR MOORING FLOATS

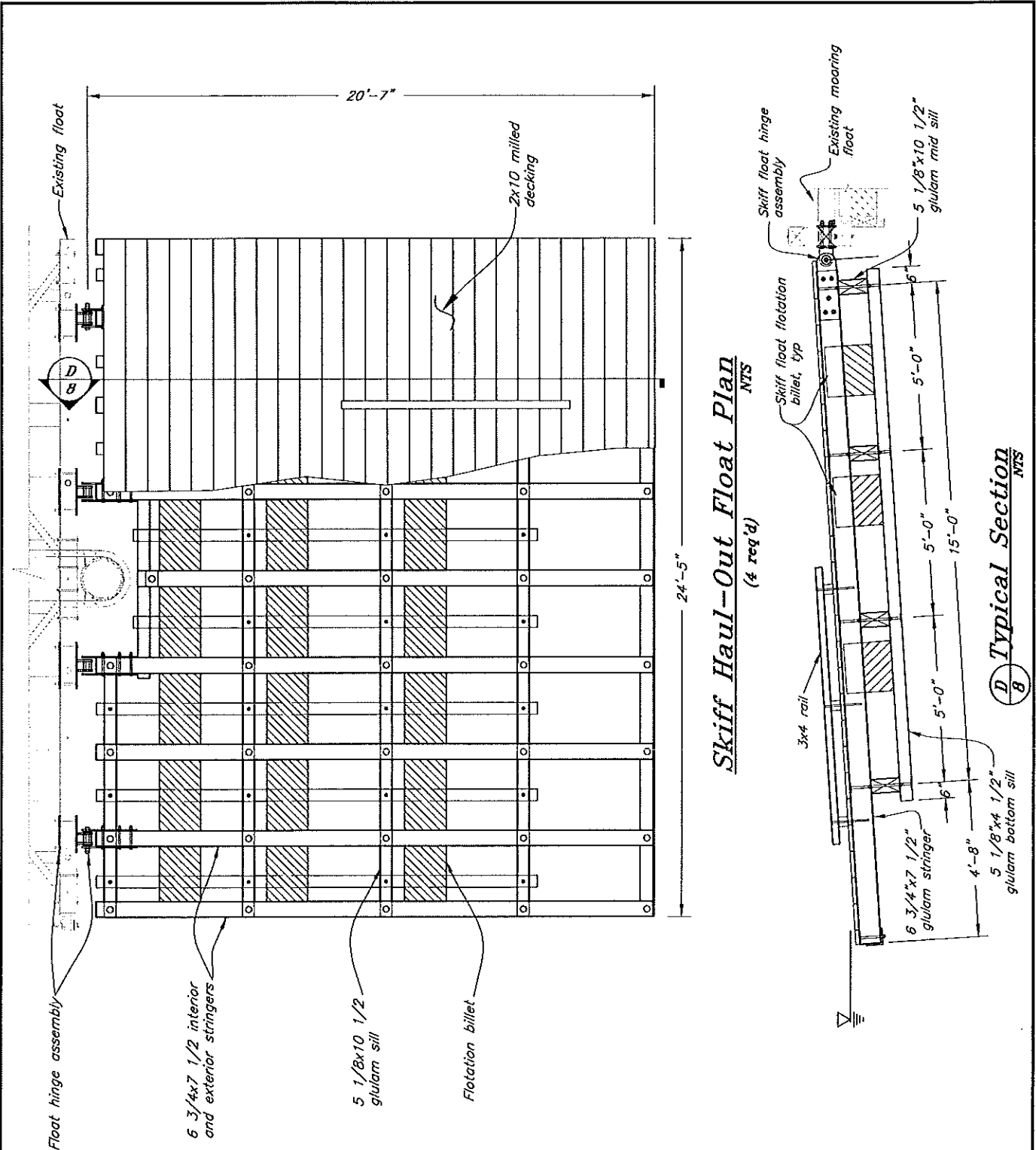
APPLICANT:
STATE OF ALASKA
ADJACENT PROPERTY OWNERS:
STATE OF ALASKA

Walkway Float

State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

Gustavus Mooring Floats

AT: Gustavus, Alaska
LOCATED IN: Township 40 South
Range 58 East
Section 18
CRM USGS Quad Juneau B-6
DATE: July 2010 SHEET 7 OF 8



PROJECT PURPOSE:
CONSTRUCT BOAT HARBOR MOORING FLOATS

APPLICANT:
STATE OF ALASKA
ADJACENT PROPERTY OWNERS:
STATE OF ALASKA

Skiff Float

State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

Gustavus Mooring Floats

AT: Gustavus, Alaska
LOCATED IN: Township 40 South
Range 58 East
Section 18
CRM USGS Quad Juneau 8-6
DATE: July 2010 SHEET 8 OF 8

CURRENT PERMIT

JUNE, 2009



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
REGULATORY DIVISION
SITKA FIELD OFFICE
POST OFFICE BOX 16
SITKA, AK 99835

JUNE 12, 2009

Regulatory Division
POA-1926-6

Mr. Carl Schrader
Alaska Department of Transportation
and Public Facilities
Post Office Box 112506
Juneau, AK 99811-2506

Dear Mr. Schrader:

Enclosed is the signed Letter of Permission, file number 1926-6, Icy Strait, authorizing the installation of the following structures within waters and navigable waters of the United States associated with the construction of a replacement causeway and dock which was permitted under POA-1926-6.

- 1) 16 foot x 200 foot steel float
- 2) Four 20 foot x 25 foot steel floats
- 3) 15 foot x 100 foot timber float
- 4) 9.5 foot x 30 foot steel walkway float
- 5) Twenty 12 3/4 foot steel piles

The project site is located within Section 19, T. 40 S., R. 59 E., Copper River Meridian; USGS Quad Map Juneau B-6; Latitude 58.390° N., Longitude 135.731° W.; in Gustavus, Alaska. Also enclosed is a Notice of Authorization which should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Additionally, we have enclosed a Notification of Administrative Appeals Options and Process and Request for Appeal form regarding this Department of the Army Letter of Permission (see section labeled "Initial Proffered Permit").

You may contact me via email at linda.speerstra@usace.army.mil, by mail at the address above, by phone at (907) 747-0658, if you have questions. For additional information about our Regulatory Program, visit our web site at www.poa.usace.army.mil/reg.

Sincerely,

Linda Speerstra

Regulatory Specialist

EAST BRANCH - SOUTHEAST

ADF&G-DH	jackie.timothy@alaska.gov	
ADF&G-DH	Kristen.dunlap@alaska.gov	
USFWS, Juneau	Richard_Enriquez@fws.gov	
ADEC	William.Ashton@alaska.gov	
ADNR-DCOM	claire.batac@alaska.gov	
ADNR-DCOM	erin.allee@alaska.gov	
ADNR-DMLW	daniel.bussard@alaska.gov	
ADNR-Office of History and Archaeology, SHPO	oha_revcomp@dnr.state.ak.us	
EPA, Juneau	Meade.Chris@epa.gov	
NMFS, Juneau	Mary.Goode@noaa.gov	
Applicant	ADOT&PF Walter.Loewen@alaska.gov	



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
REGULATORY DIVISION
SITKA FIELD OFFICE
POST OFFICE BOX 16
SITKA, ALASKA 99835

JUNE 12, 2009

Regulatory Division
POA-1926-6

DEPARTMENT OF THE ARMY
LETTER OF PERMISSION

Authorization is hereby granted to Alaska Department of Transportation and Public Facilities, to:

Install the following structures within waters and navigable waters of the United States associated with the construction of a replacement causeway and dock which was permitted under POA-1926-6.

- 1) 16 foot x 200 foot steel float
- 2) Four 20 foot x 25 foot steel floats
- 3) 15 foot x 100 foot timber float
- 4) 9.5 foot x 30 foot steel walkway float
- 5) Twenty 12 $\frac{3}{4}$ foot steel piles

The work will be performed in accordance with the enclosed plans, sheets 1-9, dated December 22, 2008, which are incorporated in and made a part of this Letter of Permission.

This action is based upon the recommendation of the Chief of Engineers and under the provisions of Section 10 of the 1899 Rivers and Harbors Act (30 Stat 1151; 33 U.S.C. 403).

This authorization is subject to the general and special conditions issued with the original permit on September 12, 2008, (POA-1926-6).

The time limit for completing the work authorized ends five years from the date of the original permit. If you find that you need more time to complete the authorized activity, submit your request for a time extension, to this office, for consideration at least one month before the above date is reached.

Nothing in this authorization shall be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations which may affect the proposed work.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

June 12, 2009

DATE

FOR: District Engineer



**This notice of authorization must be
conspicuously displayed at the site of work.**

United States Army Corps of Engineers
Icy Strait

A permit to: Installation of floats and moorage facilities within the waters
and navigable waters of the United States associated with the construction
of a replacement causeway and dock

at: Gustavus, Alaska

has been issued to: Alaska Dept. of Transportation and Public Facilities

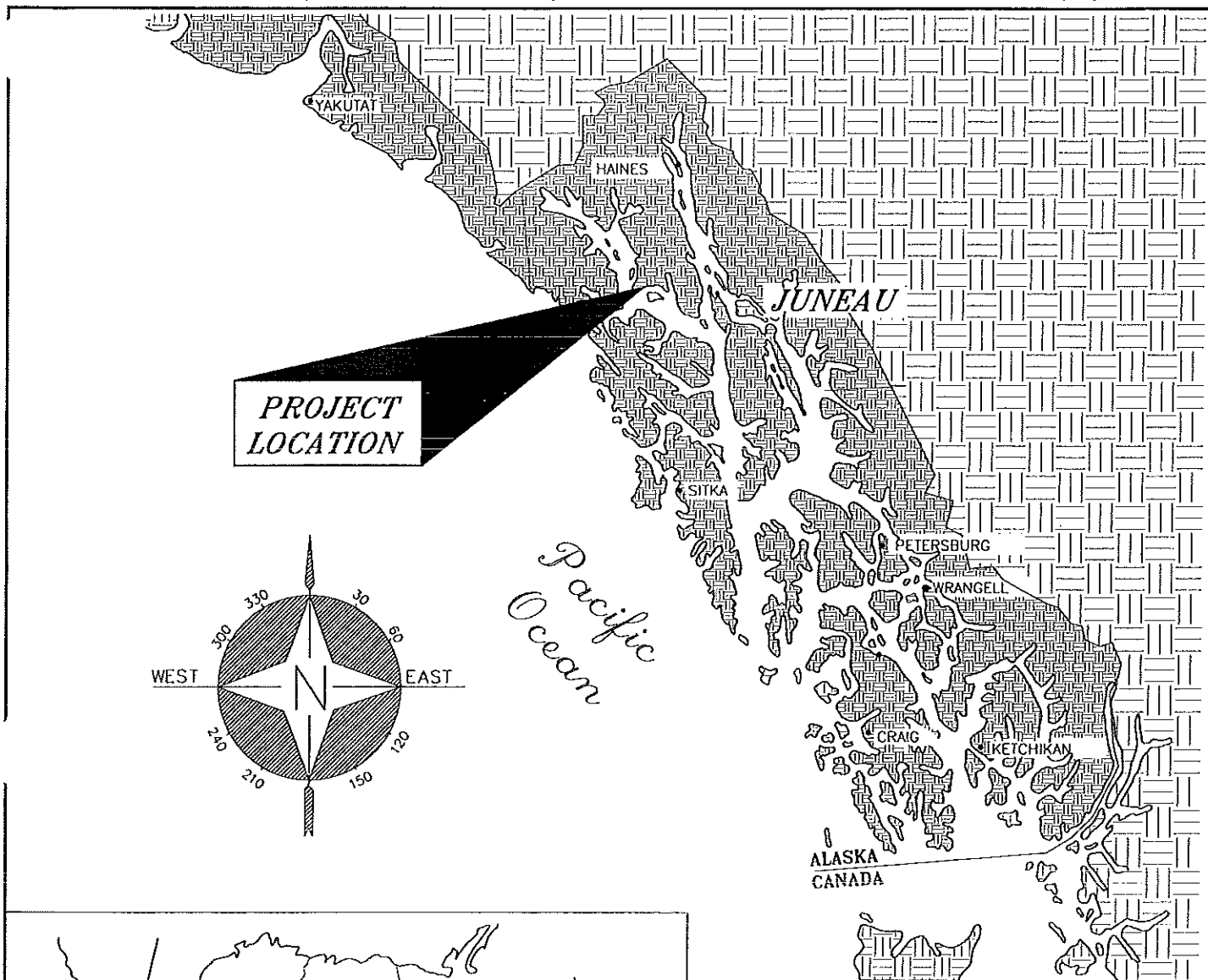
on: June 12, 2009 and expires on: September 30, 2013

Address of Permittee: Post Office Box 112506 Juneau, AK 99811-2506

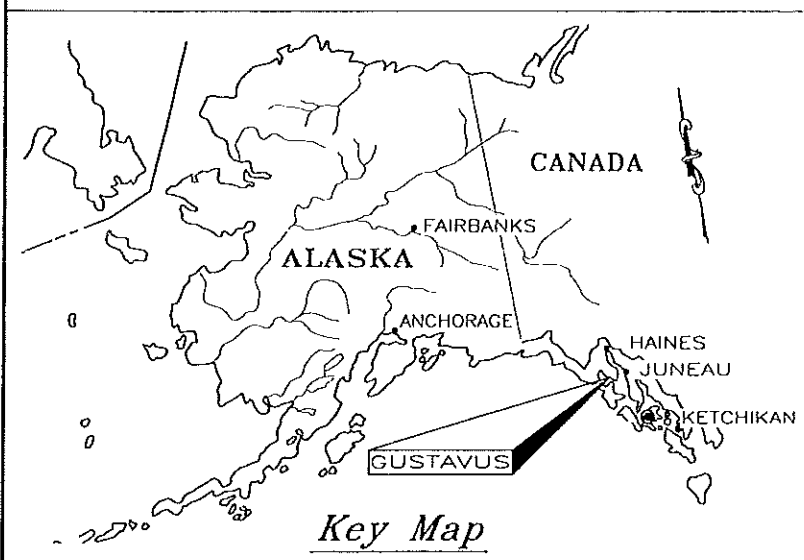
Permit Number:

POA-1926-6

FOR: *District Commander*
LINDA SPEERSTRA
REGULATORY SPECIALIST
REGULATORY DIVISION



Regional Map



Key Map

PROJECT PURPOSE:

CONSTRUCT BREAKWATER AND MOORING
FLOATS

CANT:

STATE OF ALASKA

ADJACENT PROPERTY OWNERS:

STATE OF ALASKA

Regional Maps

State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

**Gustavus Breakwater &
Mooring Floats**

AT: Gustavus, Alaska

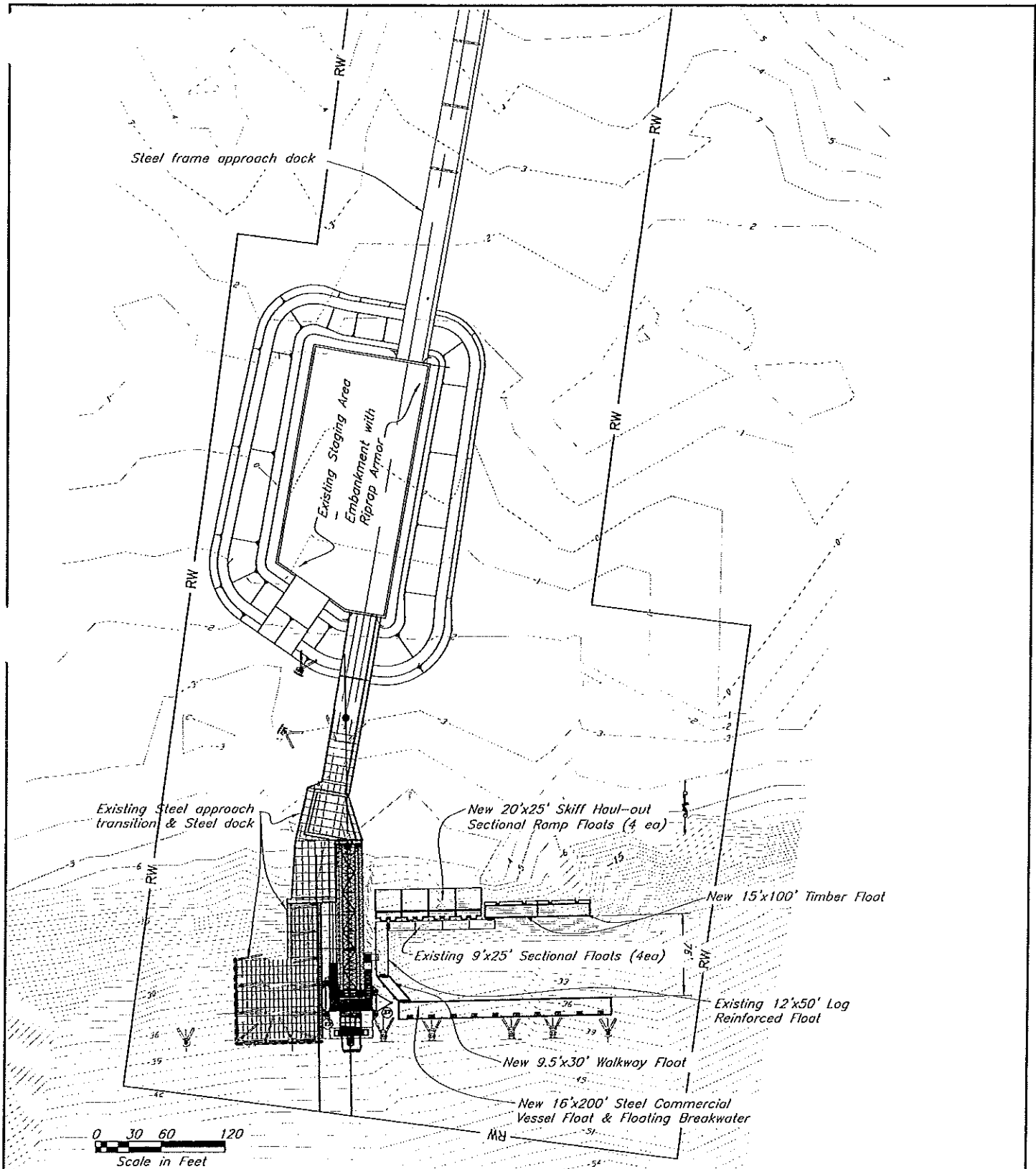
LOCATED IN: Township 40 South

Range 58 East

Section 18

CRM USGS Quad Juneau B-6

DATE: NOVEMBER 2008 SHEET 1 OF 9



PROJECT PURPOSE:

CONSTRUCT BREAKWATER AND MOORING
FLOATS

JCANT:

STATE OF ALASKA

ADJACENT PROPERTY OWNERS:

STATE OF ALASKA

*Site Plan*State of Alaska
Department of Transportation
and Public Facilities
Southeast Region**Gustavus Breakwater &
Mooring Floats**

AT: Gustavus, Alaska

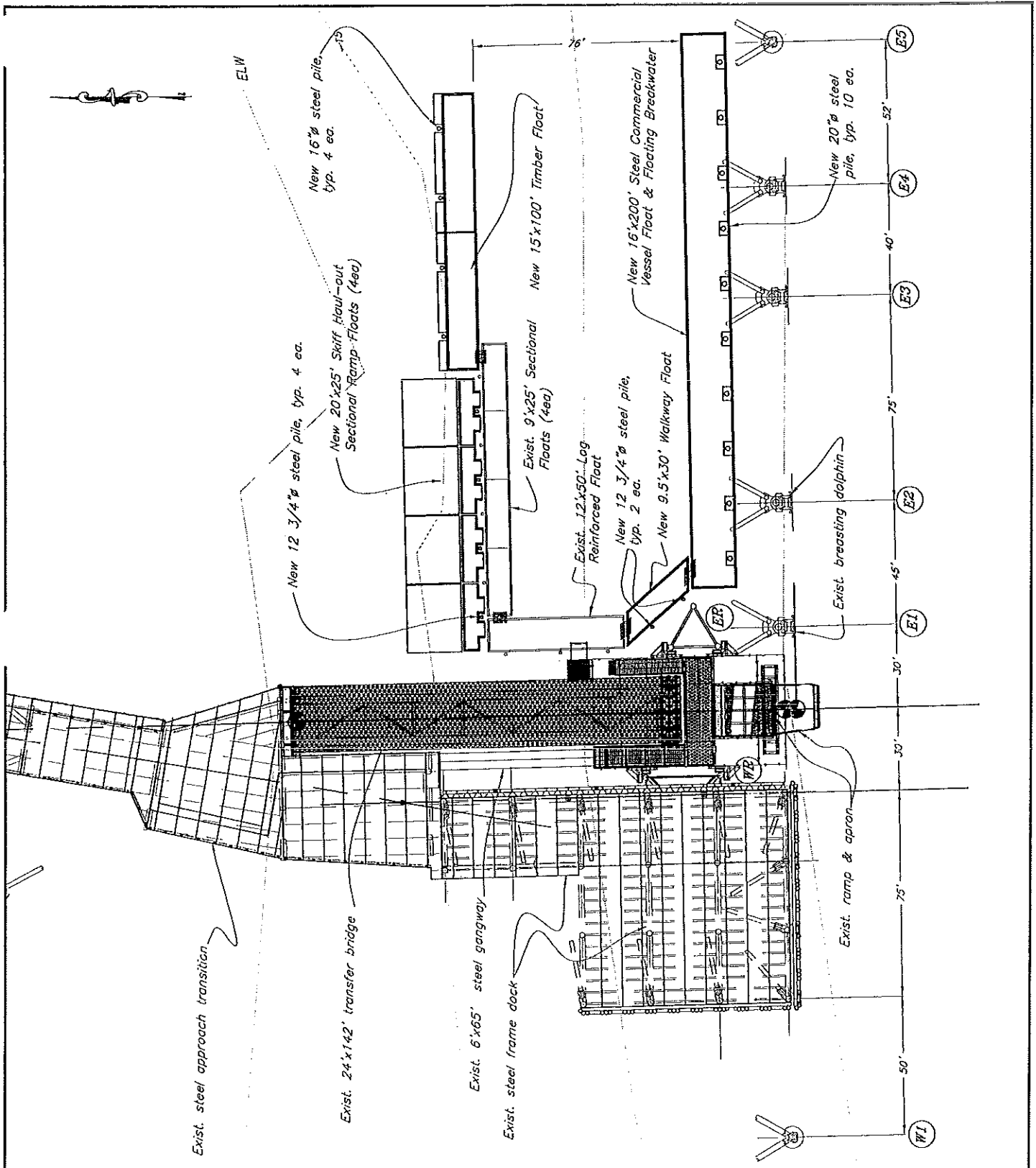
LOCATED IN: Township 40 South

Range 58 East

Section 18

CRM USGS Quad Juneau B-6

DATE: NOVEMBER 2008 SHEET 3 OF 9



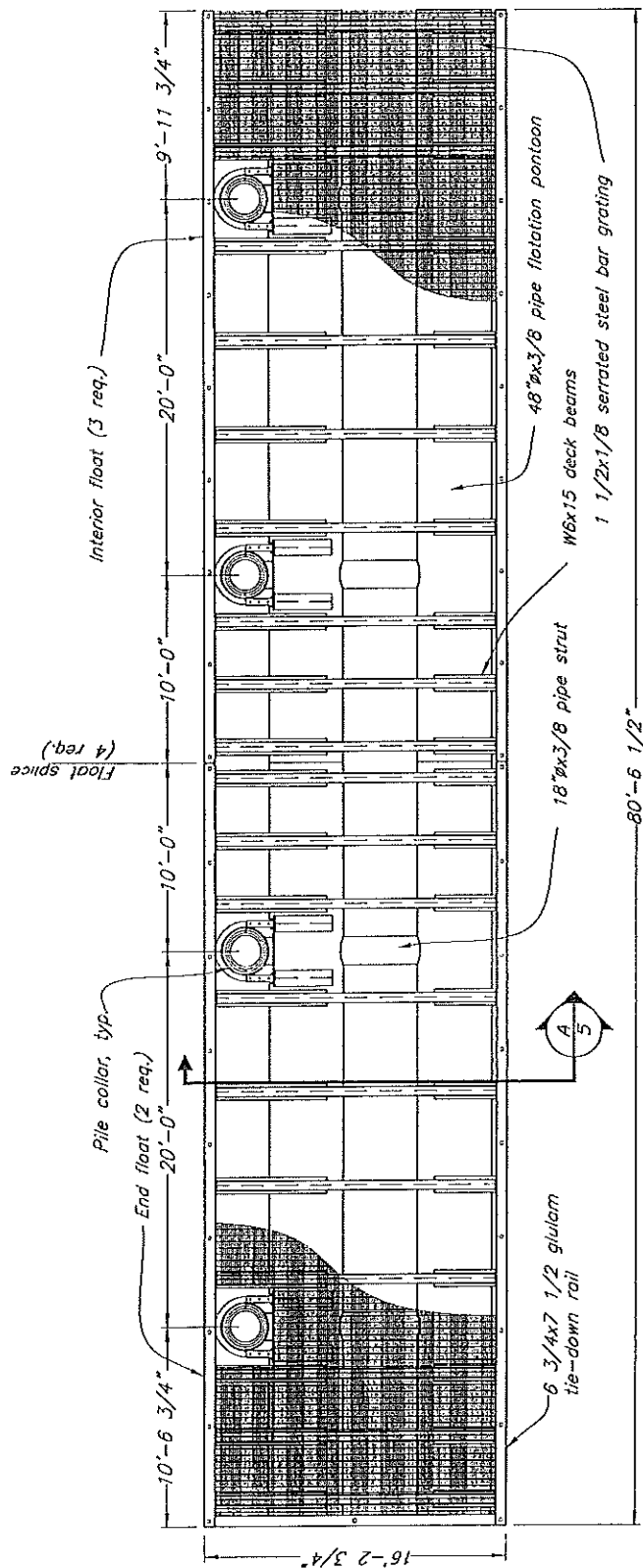
PROJECT PURPOSE:
INSTRUCT BREAKWATER AND MOORING
ATS
ICANT:
STATE OF ALASKA
ADJACENT PROPERTY OWNERS:
STATE OF ALASKA

Float Layout

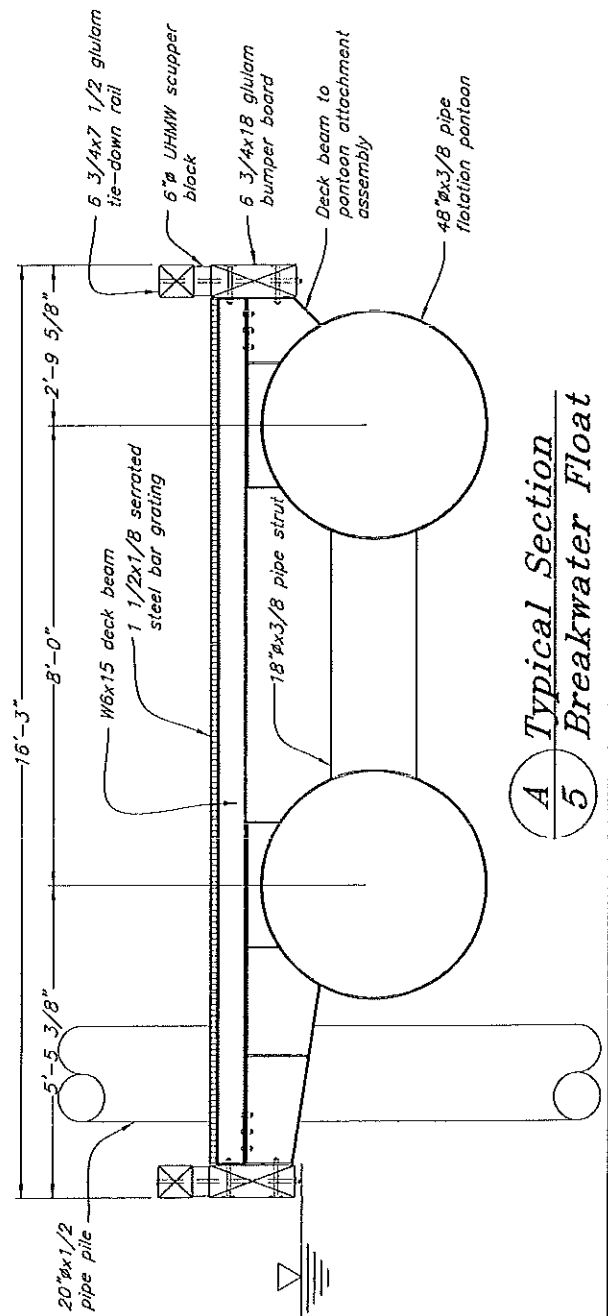
State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

Gustavus Breakwater & Mooring Floats

AT: Gustavus, Alaska
LOCATED IN: Township 40 South
Range 58 East
Section 18
CRM USGS Quad Juneau 8-6
DATE: NOVEMBER 2008 SHEET 4 OF 9



Breakwater Float Plan

A Typical Section
5 Breakwater Float

PROJECT PURPOSE:
STRUCT BREAKWATER AND MOORING

APPLICANT:

STATE OF ALASKA

ADJACENT PROPERTY OWNERS:

STATE OF ALASKA

Breakwater Float Plan & Section

State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

Gustavus Breakwater & Mooring Floats

AT: Gustavus, Alaska

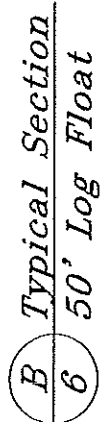
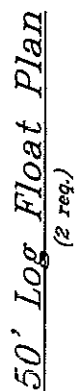
LOCATED IN: Township 40 South

Range 58 East

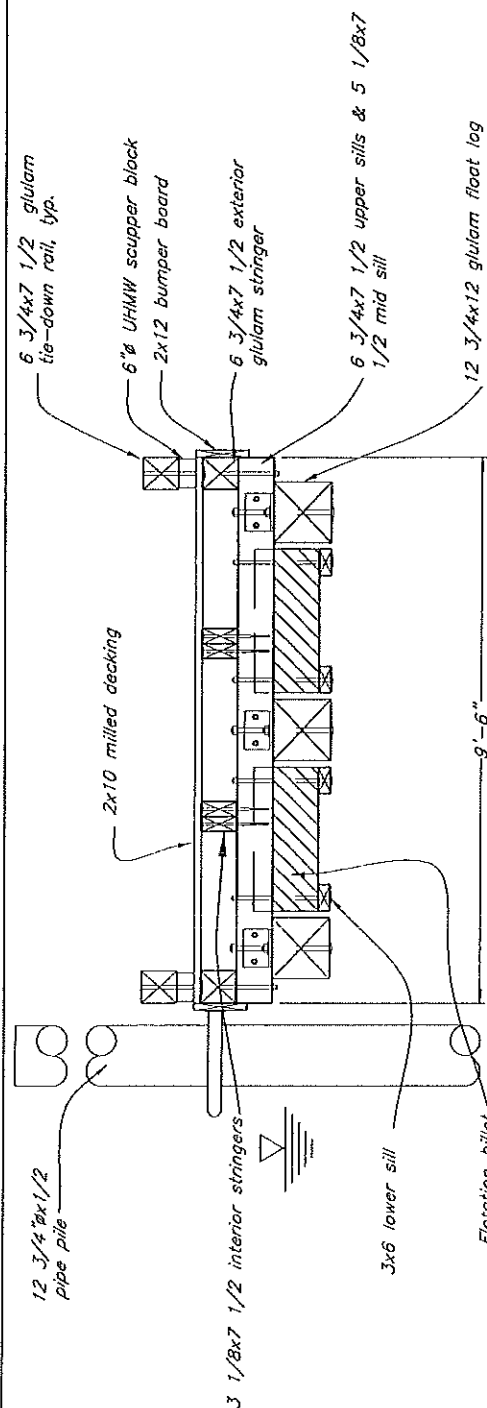
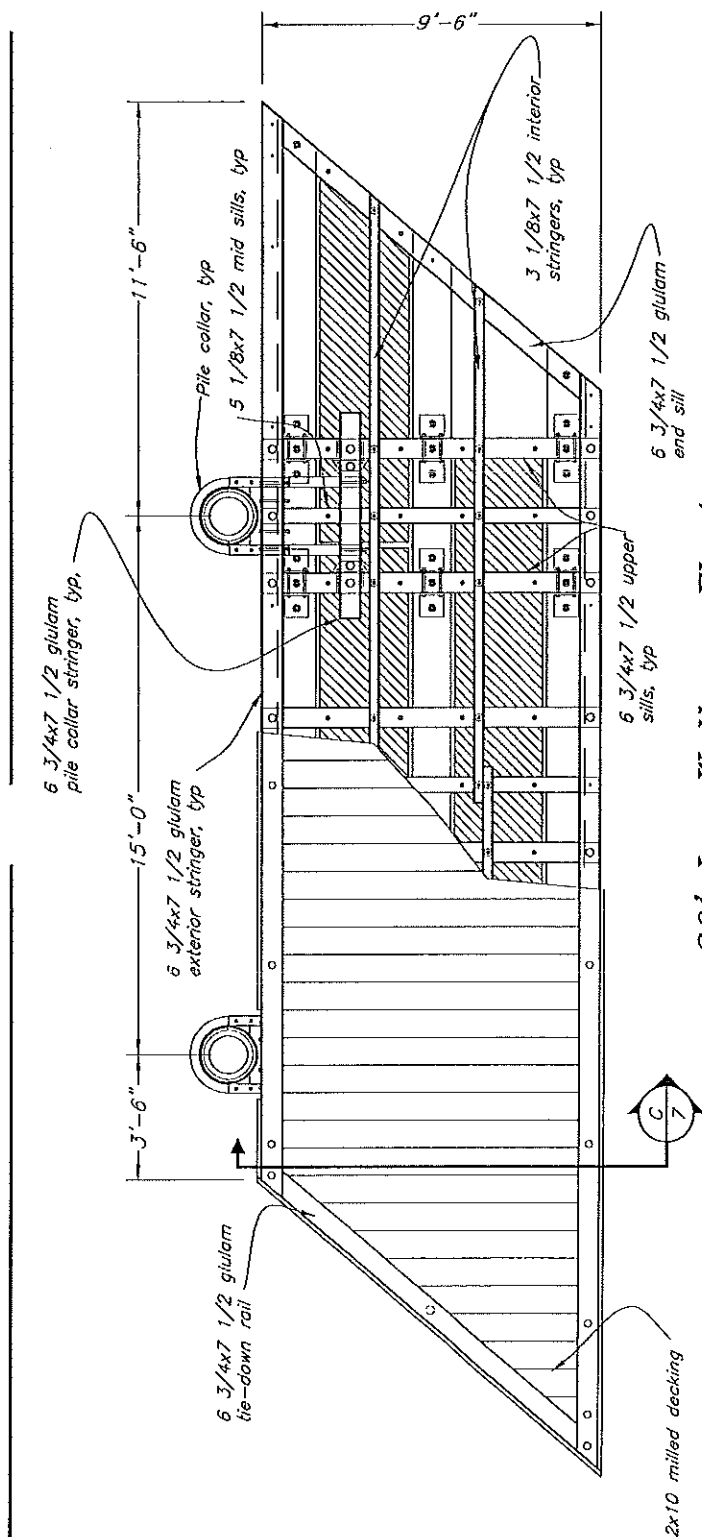
Section 18

CRM USGS Quad Juneau B-6

DATE: NOVEMBER 2008 SHEET 5 OF 9



DATE: NOVEMBER 2008 SHEET 6 OF 9



PROJECT PURPOSE:

INSTRUCT BREAKWATER AND MOORING
JATS

CLIENT:

STATE OF ALASKA

ADJACENT PROPERTY OWNERS:

STATE OF ALASKA

Walkway Float Plan & Section

State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

Gustavus Breakwater & Mooring Floats

AT: Gustavus, Alaska

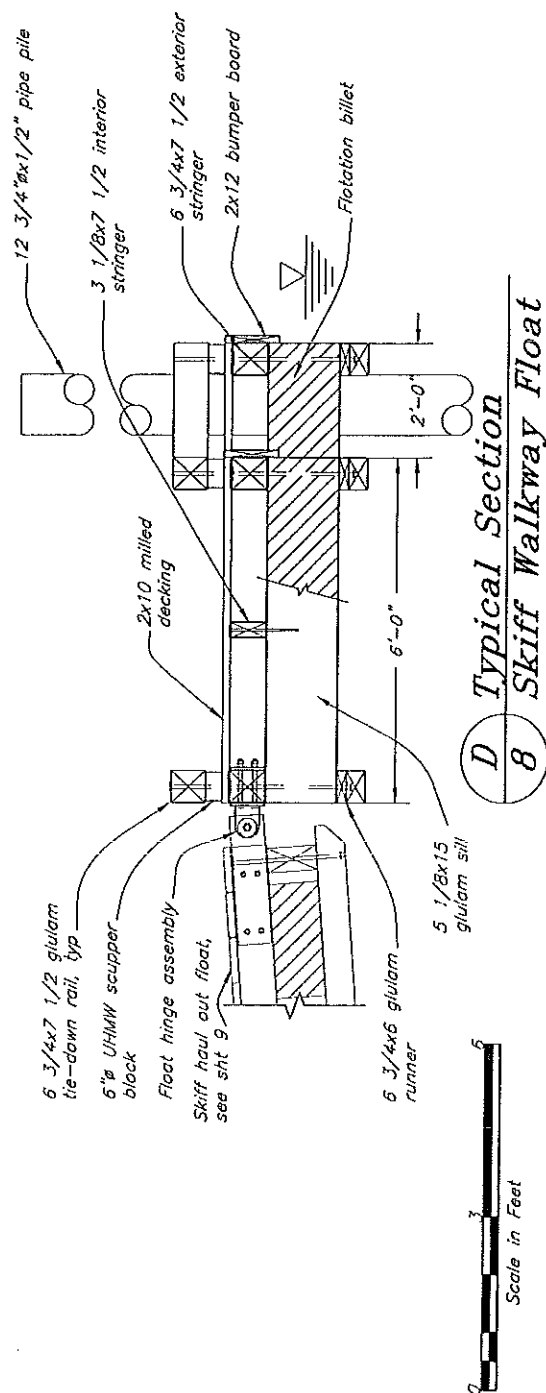
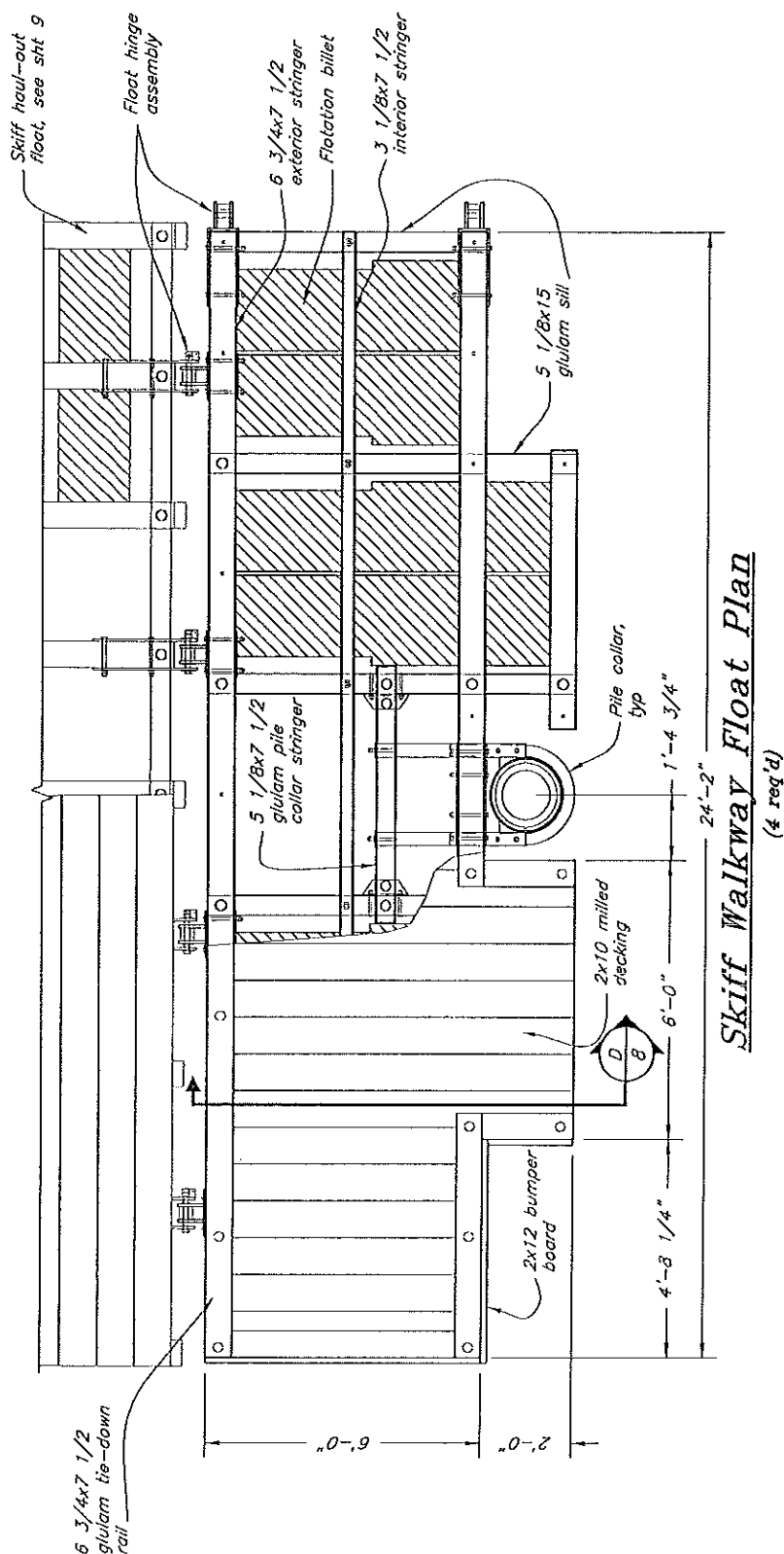
LOCATED IN: Township 40 South

Range 58 East

Section 18

CRM USGS Quad Juneau B-6

DATE: NOVEMBER 2008 SHEET 7 OF 9



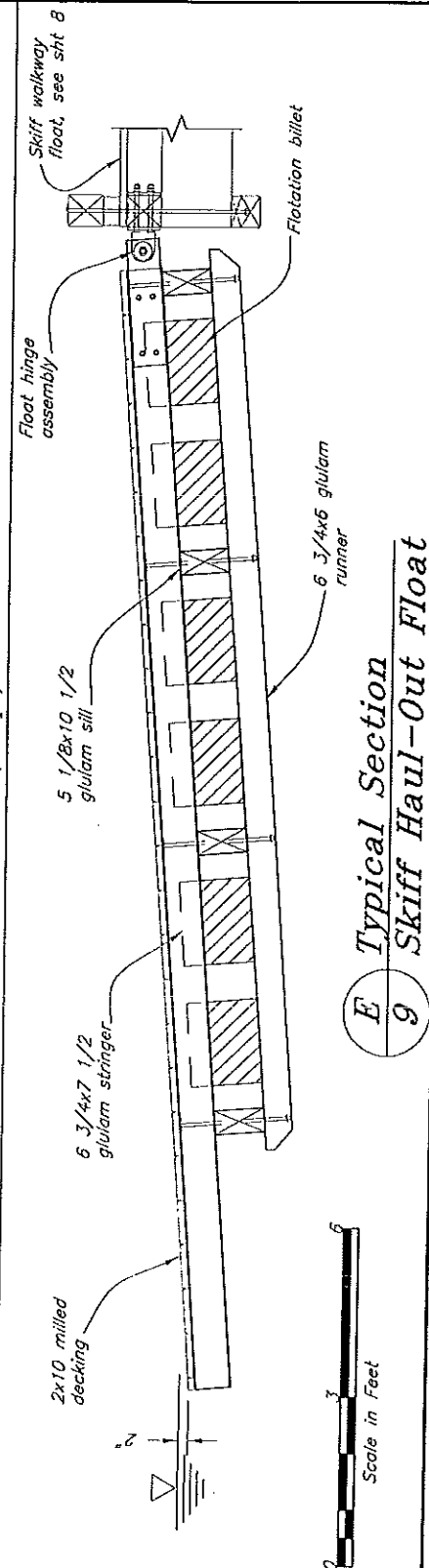
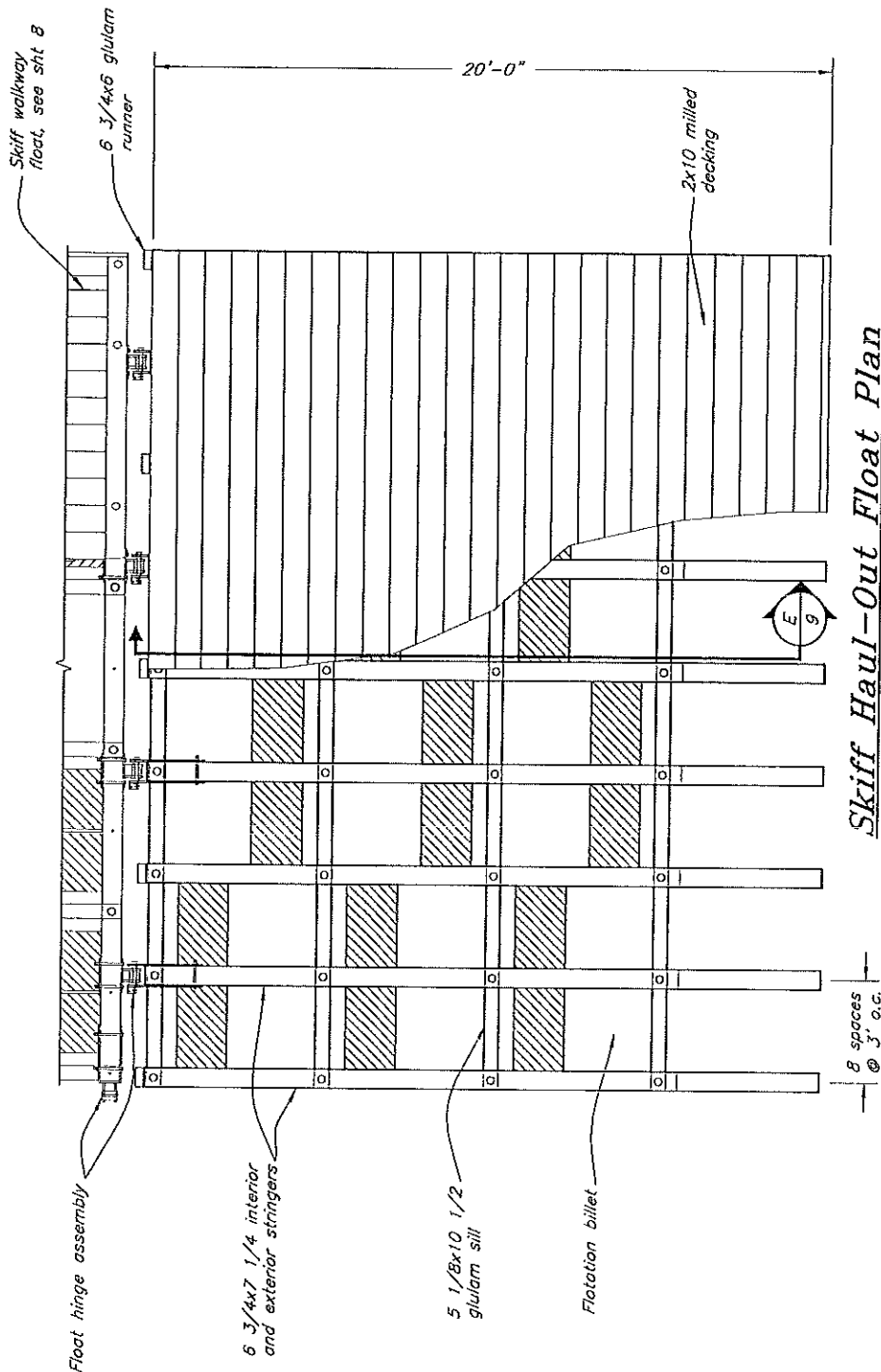
PROJECT PURPOSE:
INSTRUCT BREAKWATER AND MOORING
IATS
LICANT:
STATE OF ALASKA
ADJACENT PROPERTY OWNERS:
STATE OF ALASKA

Skiff Float Plan & Section

State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

Gustavus Breakwater & Mooring Floats

AT: Gustavus, Alaska
LOCATED IN: Township 40 South
Range 58 East
Section 18
CRM USGS Quad Juneau B-6
DATE: NOVEMBER 2008 SHEET 8 OF 9



PROJECT PURPOSE:

INSTRUCT BREAKWATER AND MOORING
JATS

PLICANT:

STATE OF ALASKA

ADJACENT PROPERTY OWNERS:

STATE OF ALASKA

Skiff Float Plan & Section

State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

Gustavus Breakwater & Mooring Floats

AT: Gustavus, Alaska

LOCATED IN: Township 40 South

Range 58 East

Section 18

CRM USGS Quad Juneau B-6

DATE: NOVEMBER 2008 SHEET 9 OF 9

Appendix C

Local Concurrence & Memorandum of Agreement with
City of Gustavus

Miller, Kirk D (DOT)

n: Paul Berry (City Council) [CityCouncil5@gustavus-ak.gov]
t: Monday, August 09, 2010 9:51 AM
To: Miller, Kirk D (DOT)
Cc: Kapryce Manchester
Subject: FW: 68343 - Gustavus Floats Float Revisions
Attachments: GUS Floats Updated COE Drwgs 7-28-10.pdf; GST Floats Committee Approval 11-14-08.pdf

Mr. Miller,

I have reviewed the attached documents and am informing you of the Council's concurrence for the proposed layout changes.

Thank you,

Paul Berry, Mayor

From: Tim Sunday
Sent: Monday, August 02, 2010 9:57 AM
To: mayor@gustavus-ak.gov
Subject: FW: 68343 - Gustavus Floats Float Revisions

Paul,

The MFC met this morning and approved the original layout plan for the floats with the additional improvements.....Hopefully DOT can get these floats out to bid and installed by next spring or early summer....

Tim

From: Miller, Kirk D (DOT) [mailto:kirk.miller@alaska.gov]
Sent: Friday, July 30, 2010 9:34 AM
To: Tim Sunday
Subject: FW: 68343 - Gustavus Floats Float Revisions

Tim,

As discussed, our last email to you contained the attached drawings...this is essentially the "Alternative E" that was previously conveyed to you following our teleconference meeting on 7/26.

The original layout was approved by the Committee on 11/12/08. See attached documentation from Mark Foster dated Nov 14, 2008.

Changes to the original approved layout are as follows:

1. Steel breakwater float widened from 16 to 18 feet. Piles on steel breakwater float increased from 20" to 30" in diameter (same number). Another pipe pontoon was also added to the breakwater float (three 48" diam pipe pontoons versus two).
2. Outer two timber float modules rotated shoreward slightly to allow better boat access. Width of new timber mooring floats reduced from 16' to 12'.
3. Four 12.75" diam steel restraint piles associated with the four skiff floats were eliminated (skiff floats will be hinged to the existing 9' wide sectional floats).

Essentially it is the same layout as previously approved by the marine facilities committee/council on Nov 12, 2008 with the exception of the above modifications. All four of the originally conceived skiff floats are included.

We are requesting the City's concurrence on the above layout changes. Thx.

Kirk

Miller, Kirk D (DOT)

n: Mark_Foster@nps.gov
: Friday, November 14, 2008 7:06 AM
TO: Miller, Kirk D (DOT)
Cc: citycouncil3@gustavus-ak.gov; citycouncil4@gustavus-ak.gov; Kapryce Manchester; cmg007@gmail.com; fritz@thegreatsea.com; Tim Sunday; citycouncil2@gustavus-ak.gov
Subject: RE: Gustavus
Attachments: Gustavus Float Layout 11-6-08.pdf



Gustavus Float
Layout 11-6-08....

Hi Kirk,

The Marine Facilities Committee met last Wednesday. We reviewed your updated float plans and have no suggested changes. We did note the changes to the pile location on the floating breakwater and the additional skiff haul out float and felt that these changes were improvements. Thank you for the opportunity to review the design..

Mark D. Foster
Chief of Maintenance
Glacier Bay National Park and Preserve, Alaska
(907) 697-2626

"Miller, Kirk D
(DOT) "
<kirk.miller@alaska.gov>

Mark_Foster@nps.gov

To
cc

11/06/2008 01:09
PM

Tim Sunday
<Tsunday@akteamsters.com>,
citycouncil3@gustavus-ak.gov,
citycouncil4@gustavus-ak.gov,
Kapryce Manchester
<clerk@gustavus-ak.gov>,
frtiz@thegreatsea.com,
cmg007@gmail.com

Subject

RE: Gustavus

Mark,

Attached is a somewhat revised layout plan from what we presented earlier. Not much change apt for refinements to the skiff float (a little longer skiff moorage). I do not really have many other options considering the limited space that we have to work with as we want to keep as much of the float system as possible behind new wave barrier.

We do not need any sort of formal resolution from City. In fact, we could probably make some minor revisions prior to final design and permitting - but we should try to get it as close as possible at this early stage. Thx for the assistance.

-----Original Message-----

From: Mark_Foster@nps.gov [mailto:Mark_Foster@nps.gov]

Sent: Thursday, November 06, 2008 12:33 PM

To: Miller, Kirk D (DOT)

Cc: Tim Sunday; Mark_Foster@nps.gov; citycouncil3@gustavus-ak.gov; citycouncil4@gustavus-ak.gov; Kapryce Manchester; fritz@thegreatsea.com; cmg007@gmail.com

Subject: Re: Gustavus

Hi Kirk,

The committee is meeting next Wednesday and we can make this a primary agenda item.

MFC Committee Members,

How about making this our top priority. Please solicit ideas from the community. The public announcement should state that we will be working on this.

Thanks.

Mark D. Foster

Chief of Maintenance

Glacier Bay National Park and Preserve, Alaska

(907) 697-2626

"Miller, Kirk D

(DOT) "

<kirk.miller@alas

To

ka.gov>

Mark_Foster@nps.gov

cc

11/06/2008 11:06

AM

Subject

Gustavus

Mark,

the community come up with any other ideas for skiff float or other float configuration from what we have currently laid out? Our planning folks told me yesterday that they would like to have some plans somewhat developed by December in order to show the Denali Commission that we are well along and should give us the construction funding.....so, I plan on assembling a ragged planset this month. Let me know if you have any suggestions for improvement to the layout by say next Friday? Or let me know if you need more time....This should not include fuel float or other new items, but mainly the mooring float area. Thx for the help.

FYI - I will be out of office tomorrow PM thru Tue - back in office next Wed.

Kirk

(See attached file: Gustavus Float Layout 11-6-08.pdf)

MEMORANDUM OF AGREEMENT
Between
STATE OF ALASKA
Department of Transportation and Public Facilities, Southeast Region
And
CITY OF GUSTAVUS
Regarding
GUSTAVUS SMALL VESSEL HARBOR FLOAT SYSTEM

The Alaska Department of Transportation and Public Facilities (DOT&PF) and the City of Gustavus (City) enter this Memorandum of Agreement (MOA or Float Agreement) concerning the Small Vessel Harbor Float System, appended to the Gustavus Multi-Modal Marine Facility. It becomes effective once duly executed by representatives of both parties.

RECITALS

WHEREAS, DOT&PF is responsible for planning and constructing public works, transportation facilities, docks, floats, and similar facilities, AS 35.05.010; AS 44.42.020;

WHEREAS, state law authorizes DOT&PF to sell for a nominal sum to an incorporated city marine or harbor facilities constructed with state and federal matching funds, AS 35.10.120;

WHEREAS, state law authorizes DOT&PF to cooperate, coordinate, and enter agreements with local government entities in exercising its powers and duties, AS 44.42.020;

WHEREAS, the City is a second class city and empowered to enter agreements with the State, AS 29.35.010(13);

WHEREAS, DOT&PF and the City, among others, entered a Memorandum of Understanding in May 2010 (See Attachment No. 1) concerning ownership, operation, security, and maintenance principally concerning the Gustavus Multi-Modal Marine Facility (Facility), but also referencing the adjoining Small Vessel Harbor Float System (Float System);

WHEREAS, the MOU contemplated the likely need for supplemental agreements between some or all of the parties concerning issues related to the Facility and Float System;

NOW, THEREFORE, in consideration of the mutual undertakings addressed in this Float Agreement, DOT&PF and the City agree as follows:

GENERAL TERMS OF FLOAT AGREEMENT

1. Purpose of Agreement: This MOA memorializes the terms of DOT&PF's and the City's agreement concerning the Float System.
2. Scope of Agreement: This MOA addresses design, construction, ownership, operation, security, and maintenance related to the Float System.
3. No Conflicting Use With Adjoining Facility: Public Vessels are entitled to priority use of the adjoining Gustavus Multi-Modal Marine Facility. Use of the Float System is subordinate to and shall not interfere with such priority use.
4. Security Compliance: The City acknowledges that applicable law requires adoption and implementation of a security plan regarding DOT&PF's adjoining Facility. Given the Float System's proximity to the Facility, the security plan will encompass the Float System when qualifying vessels, e.g., State ferries, call at the Facility. The City further acknowledges that the security plan and/or applicable law will impose obligations on the City as owner of the adjoining Float System, e.g., cessation of all operations and/or evacuation of all patrons while ferries call at Facility.
5. DOT&PF Responsibilities: In addition to relevant responsibilities contained in the MOU, DOT&PF agrees as follows:
 - a. DOT&PF will design and construct the Float System, using federal funds appropriated for this purpose.
 - b. As soon as DOT&PF has completed construction, it will transfer ownership of the Float System to the City via Bill of Sale that generally conforms to the one shown in Attachment B.

6. City Responsibilities: In addition to relevant terms contained in the MOU, the City agrees as follows:

- a. As soon as DOT&PF has completed construction, the City will accept transfer ownership of the Float System to the City via Bill of Sale that generally conforms to the one shown in Attachment No. 2.
- b. The City will accept the Float System from DOT&PF "as is, where is" with no representations or warranties from the State of Alaska.
- c. Following transfer of ownership the City will own, operate, and maintain the Float System at its own expense, consistent with the terms of this MOA and the MOU.
- d. The City will comply with all current and future security plans, laws, and regulations affecting the Small Vessel Harbor Float System.

7. General Provisions:

- a. Nothing contained in this Float Agreement will be construed as creating the relationship of principal-agent, partnership, or joint venture between the two parties.
- b. No Party may assign any portion of this Agreement, or any benefits or rights arising under the Agreement without the written consent of the other.
- c. This Agreement inures to the benefit of and is binding upon the parties and their respective successors and permitted assigns, if any.
- d. This MOA shall be read consistent with, and supplemental to, the preceding MOU. It incorporates by reference the same definitions, principles, and attachments adopted by the MOU.
- e. Waiver by a party of any default by the other will not be deemed a waiver of rights concerning any subsequent default.
- f. If a court of competent jurisdiction holds any portion of this Agreement invalid, the invalid portion will be severed and will not affect the validity of the remainder.

8. Notification: When any written notice, request, direction, or other communication is necessary, DOT&PF and the City will deliver it to the other in the manner outlined in the preceding MOU.

Dated: June 4, 2010

DEPARTMENT OF TRANSPORTATION &
PUBLIC FACILITIES – SE Region

By: Andy Hughes
Gary L. Davis for
Regional Director

SUBSCRIBED AND SWORN TO before me this 4th day of June, 2010.



State of Alaska
Notary Public
KELLY HARP
My Commission Expires w/office

Kelly Harp
Notary Public in and for Alaska
My commission expires: w/office

Dated: June 9th 2010

CITY OF GUSTAVUS

By: Paul Berry
Paul Berry
Mayor

SUBSCRIBED AND SWORN TO before me this 9th day of June, 2010.



Kaye Manchester
Notary Public in and for Alaska
My commission expires: October 2, 2010

Memorandum of Agreement
Gustavus Small Vessel Harbor Float System
June 2010

Page 4 of 6
PUB
City State
-----Initials-----

ATTACHMENT "No. 1"

MEMORANDUM OF UNDERSTANDING

Between

STATE OF ALASKA

**Department of Transportation and Public Facilities, Southeast Region
Alaska Marine Highway System**

And

CITY OF GUSTAVUS

And

UNITED STATES

**Department of Interior
National Park Service**

Regarding

GUSTAVUS MULTI-MODAL MARINE FACILITY

The State of Alaska (State), acting through Department of Transportation and Public Facilities, Southeast Region (DOT&PF) and through the Alaska Marine Highway System (AMHS), the City of Gustavus (City), and the United States, acting through the Department of Interior, National Park Service (NPS), enter this Memorandum of Understanding (MOU or Agreement) concerning the Gustavus Multi-Modal Marine Facility (State Project No. 67599). It becomes effective once duly executed by representatives of all Parties.

RECITALS

WHEREAS, DOT&PF is responsible for managing, operating, and maintaining state modes of transportation, transportation facilities, and docks, floats, and similar facilities, AS 44.42.020;

WHEREAS, AMHS, a division within DOT&PF, is more principally involved with ferry vessels and maritime security;

WHEREAS, state law authorizes DOT&PF to cooperate, coordinate, and enter agreements relating to highways with local government entities and with the United States, AS 19.05.040(10), AS 44.42.020;

WHEREAS, the City is a second class city and empowered to enter agreements with the State and with the United States, AS 29.35.010(13);

WHEREAS, federal law authorizes NPS to cooperate with and to aid the States and political subdivisions in connection with planning and development of national parks, 16 U.S.C. §171;

WHEREAS, DOT&PF, AMHS, the City, and NPS (the Parties) entered a previous Memorandum of Agreement in 2006, concerning planning, funding, and construction of a multi-modal marine facility in Gustavus and have acted in good faith to discharge their respective obligations of that preceding agreement, *See Attachment A*;

WHEREAS, the Parties wish to generate a document that marks their progress since 2006 and updates the terms of their agreement concerning the Gustavus Multi-Modal Marine Facility (Facility);

NOW, THEREFORE, in consideration of the mutual undertakings addressed in this Memorandum of Understanding, the Parties agree as follows:

GENERAL TERMS OF AGREEMENT

1. Definitions: As used in this MOU, the terms below have the following meanings:
 - a. "Gustavus Multi-Modal Marine Facility" or "Facility" means the improvements constructed in conjunction with State Project No. 67599, including the dock and its associated approach, mooring, and transfer structures, the Staging Area Island, and the shoreside infrastructure providing Facility via Dock Road in Gustavus. It excludes the Small Vessel Harbor Float System. *See Attachment B1* for general depiction of the Facility.
 - b. "Public Vessel" means a watercraft owned, operated, or chartered by the United States, the State of Alaska, or a political subdivision and engaged in government-related affairs.
 - c. "Small Vessel Harbor Float System" or "Float System" means the small boat facility adjacent to the transfer bridge at the southerly end of the Gustavus Multi-Modal Marine Facility. *See Attachment B2*.
 - d. "Staging Area Island" means the land lying in the path of the Facility's steel approach trestle, between the shore and the dock. *See Attachment B3*.
2. Purpose of Agreement: This MOU serves to update the terms of the Parties' agreement concerning the Facility and to further define their respective interests and obligations:
3. Scope of Agreement: This MOU addresses principal terms concerning ownership, operation, security, and maintenance related to the Facility.
4. Subsequent Agreements: The Parties acknowledge the likely need for subsequent agreements to address matters not covered by this MOU. The Parties anticipate future Facility-related projects, *e.g.*, adoption of Facility security features, replacement of vessel floats, etc., will require accompanying agreements between the participating entities.
5. Priority Use: The Parties agree that Public Vessels are entitled to priority use of the Facility. In the event of conflicting use by Public Vessels, AMHS ferries have first priority.

6. Cooperation: Each Party will keep the other informed of all matters relevant to their respective interests and responsibilities. In addition, each will provide reasonable cooperative assistance to enable the other to protect its interests and fulfill its obligations under this Agreement.
7. DOT&PF Responsibilities: DOT&PF agrees as follows:
- a. DOT&PF will own, operate, and maintain the Gustavus Multi-Modal Marine Facility.
 - b. It will not charge AMHS for use of the Facility.
 - c. It will be responsible for negotiating agreements with vessel owners or operators seeking to use the Facility. DOT&PF's policy and practice will be generally consistent with those applied by AMHS in similar circumstances. See 17 AAC 70.250-.330.
 - d. Following construction of the Small Vessel Harbor Float System, DOT&PF will transfer ownership of the Float System to the City by separate bill of sale and accompanying memorandum of agreement. This transfer will not include any interest in submerged lands or real property.
8. AMHS Responsibilities: AMHS agrees as follows:
- a. AMHS will adopt and enforce an appropriate security plan for use while its ferries call at the Gustavus Multi-Modal Marine Facility.
9. City Responsibilities: The City agrees as follows:
- a. The City will abide by DOT&PF's terms of use and AMHS' security plan regarding the Facility.
 - b. Before DOT&PF has completed construction of the Gustavus Multi-Modal Marine Facility, the City will adopt harbor regulations specifying the rules governing the use of the Facility and the Float System. The regulations will include provisions barring inappropriate uses and conduct such as trespass, vandalism, littering, and unauthorized moorage. The City will prominently post the regulations to inform the public of the rules of conduct governing use of the Facility and Float System.
 - c. Following DOT&PF's transfer of ownership of the Small Vessel Harbor Float System to the City, the City will own, operate, and maintain the Float System at its own expense.
 - d. The City will provide DOT&PF with prompt written notification of any injury or damage to person or property at the Facility caused by persons or means other than State personnel or AMHS vessels.

10. NPS Responsibilities: NPS agrees as follows:

- a. For five years following the date of DOT&PF's acceptance of the Facility from the construction contractor, NPS will monitor and inspect the new marine habitat created by the Staging Area Island, including its embankments and riprap. Further, NPS will provide DOT&PF with annual reports summarizing its resulting findings and conclusions, all as more fully addressed in DOT&PF's Environmental Assessment Document, dated May 9, 2008 on page 22 and as shown in the letter from US Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service. (Attachment C)

11. General Provisions:

- a. Nothing contained in this Agreement will be construed as creating the relationship of principal-agent, partnership, or joint venture between the Parties.
- b. No Party may assign any portion of this Agreement, or any benefits or rights arising under the Agreement without the written consent of the others.
- c. This Agreement inures to the benefit of and is binding upon the Parties and their respective successors and permitted assigns, if any.
- d. The provisions of this MOU constitute the whole of the agreement between the Parties with respect its subject matter.
- e. Waiver by a Party of any default by the other(s) will not be deemed a waiver of rights concerning any subsequent default.
- f. If a court of competent jurisdiction holds any portion of this Agreement invalid, the invalid portion will be severed and will not affect the validity of the remainder.

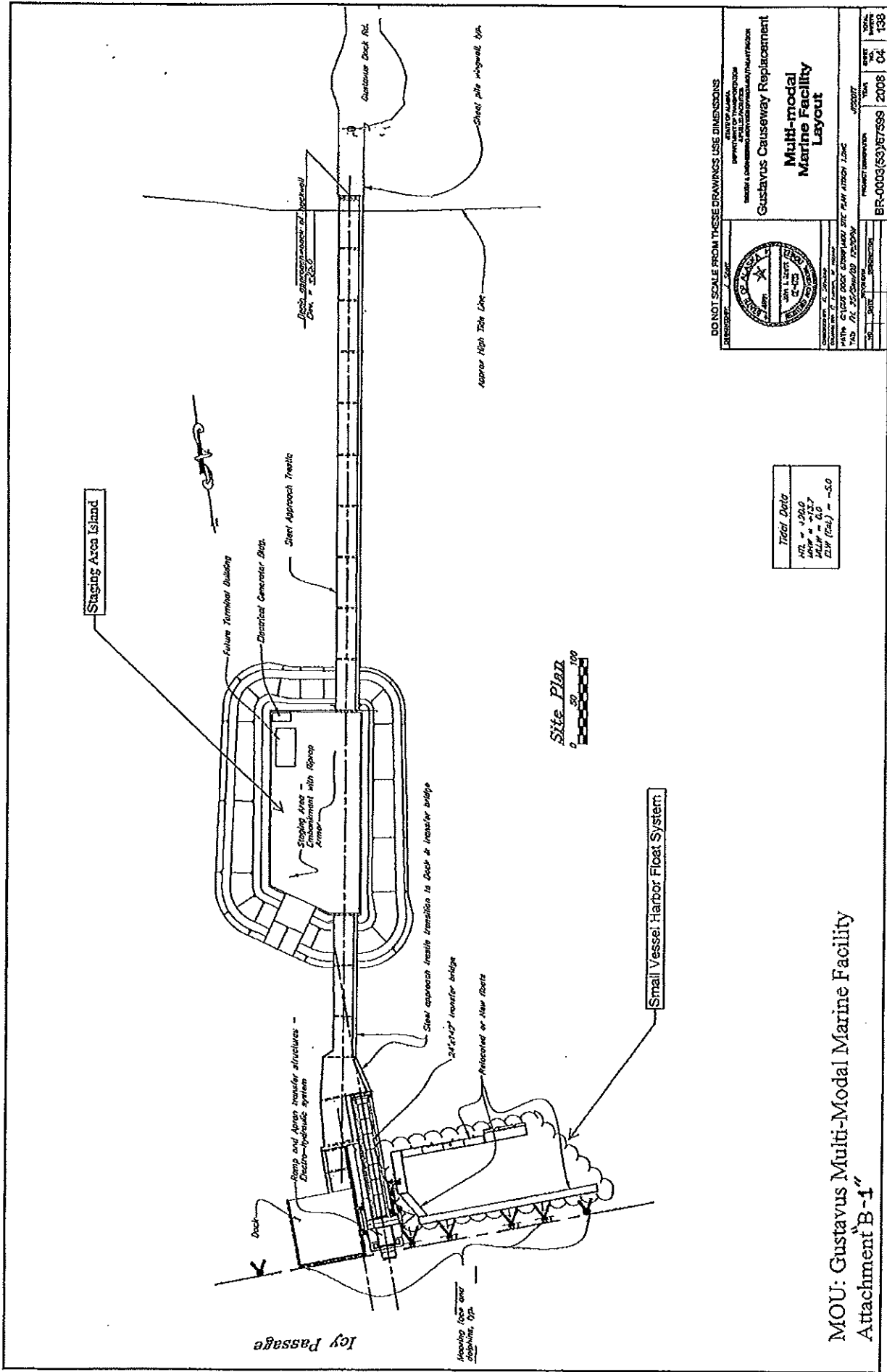
12. Notification: When any written notice, request, direction, or other communication is necessary, the Parties will deliver it in person, by certified mail, or by email addressed to the party for whom it is intended, as follows:

DOT&PF: Regional Director
DOT&PF, SE Region,
6860 Glacier Hwy, MS-2506
Juneau, Alaska 99811-2506
Ph: 907/465-1762
Current addressee: gary.davis@alaska.gov

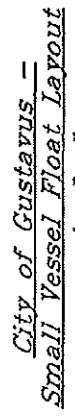
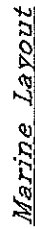
AMHS: Deputy Commissioner
Alaska Marine Highway System
3132 Channel Dr, MS-2500
Juneau, Alaska 99811-2500
Ph: 907/465-6977
Current addressee: james.beedle@alaska.gov

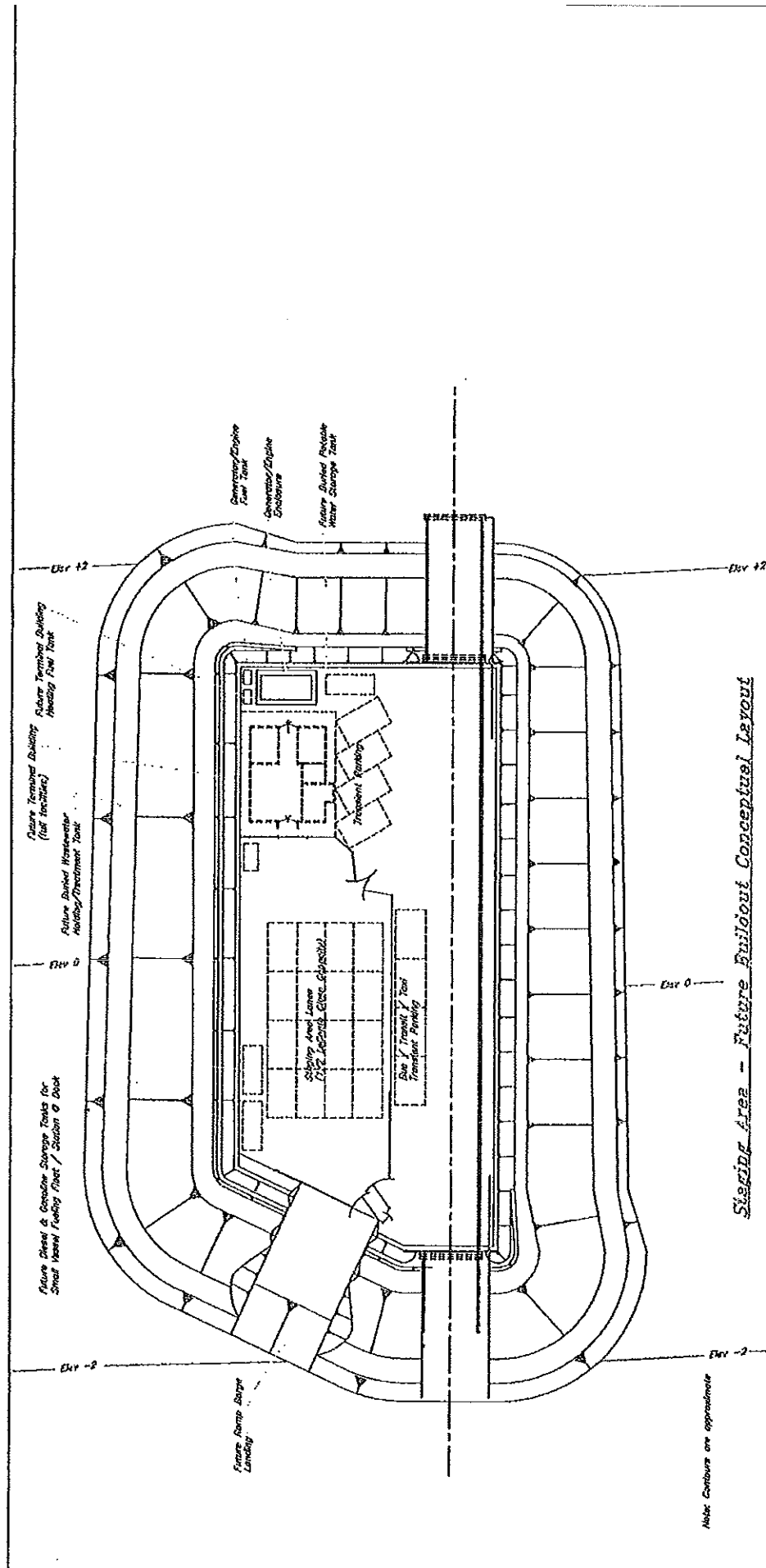
City: Mayor
City of Gustavus
P.O. Box 1
Gustavus, Alaska 99826
Ph: 907/697-2451
Current addressee: mayor@gustavus-ak.gov

NPS: Superintendent
Glacier Bay National Park and Preserve
National Park Service
U. S. Department of the Interior
P.O. Box 140
Gustavus, Alaska 99826-0140
Ph: 907
Current addressee: Cherry_Payne@nps.gov



Attachment "B-2"





Staging Area - Future Buildout Conceptual Layout

MOU: Gustavus Multi-Modal Facility
Attachment "B-3"



Gustavus Causeway Replacement
Staging Area Island
Full Buildout shown

ATTACHMENT "No. 2"

BILL OF SALE

THIS SALE, is made this _____ day of _____, 2011, by and between the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, hereinafter referred to as the STATE, whose mailing address is 6860 Glacier Avenue, Juneau AK 99801, and the City of Gustavus, a Municipal Corporation, incorporated under A.S. 29.05.011 et seq., hereinafter referred to as the CITY, whose mailing address is P.O. Box 1, Gustavus Alaska 99826.

NOW THEREFORE, in consideration of one dollar (\$1.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, the STATE does hereby sell, transfer and deliver to the CITY, for continued use as a public facility, all the STATE'S interest, if any, in the following personal property:

ANY and ALL personal property that the STATE owns or has interest in the Gustavus Small Harbor Vessel Float System located adjacent to the Gustavus Dock; including but not limited to floats, piling, floatation devices, and all attached utility systems; all located within Alaska Tidelands Survey 889, Section 19, Township 40 South, Range 59 East, Copper River Meridian, Juneau Recording District, 1st Judicial District, Alaska, ("the personal property"), as shown on Attachments B2 to the Memorandum of Understanding Re Gustavus Multi-Modal Marine Facility, dated May 2010.

TO HAVE, and to hold all the facilities and aforesaid items to the CITY, its executors, administrators, heirs and assigns to its use and administration as a public facility forever.

The STATE makes no covenant, representation, or warranty as to the suitability of the personal property or as to the physical condition of the personal property for any purpose. The CITY acknowledges that it has inspected the property, observed its physical characteristics and existing conditions, and has been afforded the opportunity to conduct such investigation and study on and of the personal property as it deems necessary for the purpose of acquiring the personal property for the CITY'S intended use. The CITY hereby waives all objections to or claims with respect to the physical characteristics and existing conditions of the personal property including hazardous materials in, at, on or under or related to the personal property. The CITY further acknowledges and agrees that the personal property is sold and conveyed to, and purchased and accepted by, the CITY in its present condition "as is, where is" with all its faults, if any, and the CITY hereby assumes the risk that an adverse past, present, or future physical characteristics and conditions may not have been revealed by the CITY'S inspection or investigation. The CITY shall indemnify and hold harmless the STATE from and against all claims, damages, or liabilities (whether or not caused by negligence), including civil or criminal fines, arising out of or relating to the physical characteristics and existing conditions of the personal property from the date of the sale forward.

For the Alaska Department of
Transportation and Public Facilities

For the City of Gustavus

Gary L. Davis
Regional Director, Southeast Region
Date: _____

Paul Berry
Paul Berry
Mayor
Date: June 9th, 2011

Float System Location & Layout

May 2010



City of Customer responsible for ownership, operation and maintenance of street water flood system shown in Layout above.
See also DOT/PS-City of Customer Flood MCA and on-built plans and details for further information and dimensions.